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Pages 2425–2489

PART I

(Part II begins on page 2483)

Agencies in this issue—

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Agricultural Stabilization and Conservation Service
Army Department
Budget Bureau
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Home Loan Bank Board
Federal Power Commission
Federal Register Administrative Committee
Fish and Wildlife Service
Food and Drug Administration
Interstate Commerce Commission
Justice Department
Land Management Bureau
Mines Bureau
Securities and Exchange Commission
Social Security Administration

Detailed list of Contents appears inside.

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1967]

This useful reference tool is designed to keep businessmen and the general public informed concerning published requirements in laws and regulations relating to record retention. It contains over 900 digests detailing the retention periods for the many types of records required to be kept under Federal laws and rules.

The "Guide" tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest also includes a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,000 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: 40 cents

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Title 3—THE PRESIDENT

Executive Order 11394

ESTABLISHING THE PRESIDENT'S COMMISSION FOR THE OBSERVANCE OF HUMAN RIGHTS YEAR 1968

WHEREAS the United Nations General Assembly has designated the year 1968 as International Human Rights Year to commemorate the 20th Anniversary of the adoption of the Universal Declaration of Human Rights; and

WHEREAS the United States has sought in its national and international policies to promote the principles of the Universal Declaration of Human Rights in accordance with its heritage of civil and political liberties and in recognition of the human rights of all without distinction of race, color, creed, sex, or national origin; and

WHEREAS, by Proclamation No. 3814 of October 11, 1967, I have designated 1968 as Human Rights Year;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Commission.* (a) There is hereby established the President's Commission for the Observance of Human Rights Year 1968 (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of the Secretary of State, the Attorney General, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Staff Director for the Commission on Civil Rights (42 U.S.C. 1975d(a)), the Chairman of the Equal Employment Opportunity Commission, and ten other members to be appointed by the President from public or private life. The President shall designate the chairman and the vice chairman of the Commission from among its members.

(c) Members of the Commission who are otherwise employed by the United States shall receive no additional compensation by reason of their service to the Commission. Members who are not so employed shall serve without compensation, but shall be entitled to receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons so serving.

SEC. 2. *Functions of the Commission.* (a) The Commission shall promote the effective observance in the United States of 1968 as the 20th Anniversary of the United Nations Universal Declaration of Human Rights. To this end the Commission shall seek to create a better understanding of the principles of human rights as expressed in the Universal Declaration, the United States Declaration of Independence, the Constitution and laws of the United States, and the Constitutions and laws of the several States of the United States.

(b) The Commission shall provide a focus for the interest of official bodies, Federal, State, and local, which share its purpose. It shall also enlist the cooperation of educational institutions, foundations, mass media, civic, labor, and other organizations which plan to participate in the observance of International Human Rights Year.

(c) The Commission may conduct such other activities as it may deem appropriate to provide for the effective participation of the United States in the celebration of International Human Rights Year. Such activities may include, but need not be limited to, (i) conducting studies, (ii) issuing reports and other publications, and (iii) holding meetings, both public and private, at such times as the Chairman shall determine.

(d) The Commission shall report from time to time to the President on the progress made in the observance of International Human Rights Year in the United States. The final report of the Commission shall be made to the President on or before the date which occurs one year after the date of this order and the Commission shall be deemed to be terminated on the date which so occurs.

SEC. 3. *Assistance and cooperation.* (a) As may be necessary, each Federal agency, an officer of which is a member of the Commission, may furnish assistance to the Commission in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law. The Department of State is hereby designated as the agency which shall provide the Commission with necessary administrative services and facilities.

(b) The Commission is authorized to request any agency of the executive branch of the Government to furnish the Commission such information and advice as may be useful to it for the fulfillment of its functions under this order. Each such agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish such information and advice to the Commission upon request of the Chairman or Executive Director of the Commission.

(c) Upon request of the Chairman or Executive Director of the Commission each agency of the executive branch of the Government shall otherwise cooperate with the Commission in carrying out the provisions of this order and shall provide the Commission with such additional assistance and service as it may be able to provide.

(d) The Commission shall invite the cooperation of the United States National Commission for UNESCO with a view to coordinating its activities with those of the United States National Commission for UNESCO.

SEC. 4. *Commission staff.* The Commission shall have an executive director who shall receive such compensation as may hereafter be specified, and it is authorized to obtain services in accordance with the provisions of 5 U.S.C. 3109.

Lyndon B. Johnson

THE WHITE HOUSE,
January 30, 1968.

[F.R. Doc. 68-1349; Filed, Jan. 31, 1968; 12:05 p.m.]

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1968 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1968. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1968):

	Price
46 Parts 146–149 (Rev.)	$2.50

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Cauliflower [1]

On November 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15435) regarding a proposed revision of U.S. Standards for Cauliflower (7 CFR 51.540–51.549).

Statement of considerations leading to the revision of the grade standards. Following publication of the proposal in the FEDERAL REGISTER, copies were distributed to industry organizations and individuals for comment. The period for submission of comments ended January 1, 1968.

Only a few comments were received in response to publication of the proposal. Primary objections concerned the length of jacket leaves as required under the definition of closely trimmed and to the standard sizing requirement that size of curd may vary no more than 1½ inches in any container.

In order to meet the requirements of closely trimmed, the jacket leaves cannot extend above the crown of the curd. Most cauliflower sold on the fresh market today is film wrapped, and the jacket leaves must be short enough to facilitate wrapping. Hence this requirement is in line with current packing practices.

Both the U.S. No. 1 and U.S. Commercial grades would require jacket leaves to be closely trimmed unless otherwise specified. Since other lengths of jacket leaves may be specified, certification of cauliflower with long or full length jackets would not be precluded, provided the length of the jacket leaves is shown in connection with the grade statement. Thus no hardship would be imposed on shippers desiring to make use of the grade standards in packing cauliflower with long or full length jacket leaves.

To meet the requirements of standard sizing, curd diameter may not vary more than 1½ inches in any container. Arguments were advanced for allowing a greater variation. Inasmuch as this is an optional sizing classification it would not be a requirement of any grade. This classification is designed for those desiring uniformity of curd size within a container. To allow a greater variation would defeat the purpose for which it is intended.

The only change from the text of the published proposal deletes reference to disease in the definition of damage by discoloration in paragraph (c) of § 51.554. With this change, discoloration from all causes is considered on the same basis.

After consideration of all relevant matters presented by interested persons, the U.S. Standards for Grades of Cauliflower are hereby promulgated as so proposed pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), subject to the following change:

Paragraph (c) of § 51.554 is changed to read "Discoloration when yellow or other abnormal color materially detracts from the appearance of the curd, or of the jacket leaves of closely trimmed cauliflower, or seriously detracts from the appearance of the jacket leaves of cauliflower not closely trimmed;"

The U.S. Standards for Grades of Cauliflower contained in this subpart shall become effective March 15, 1968, and will thereupon supersede the U.S. Standards for Cauliflower which have been in effect since December 14, 1952 (7 CFR 51.540–51.549).

Dated: January 29, 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

GRADES

Sec.
51.540 U.S. No. 1.
51.541 U.S. Commercial.

UNCLASSIFIED

51.542 Unclassified.

TOLERANCES

51.543 Tolerances.

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STANDARD SIZING

51.545 Standard sizing.

DEFINITIONS

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51.550 Closely trimmed.
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51.553 Soft or wet decay.
51.554 Damage.
51.555 Serious damage.

METRIC CONVERSION TABLE

51.556 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.540 U.S. No. 1.

"U.S. No. 1" consists of heads of cauliflower which meet the following requirements:

(a) Basic requirements for curds:
(1) Clean;
(2) Compact;
(3) Color—white, creamy white, or cream;
(4) Size—not less than 4 inches in diameter.

(b) Basic requirements for jacket leaves:
(1) Fresh;
(2) Closely trimmed, unless otherwise specified;
(3) Fairly clean.

(c) Free from:
(1) Soft or wet decay.

(d) Free from damage caused by:
(1) Bruising;
(2) Cuts;
(3) Discoloration;
(4) Enlarged bracts;
(5) Fuzziness;
(6) Hollow stem;
(7) Insects;
(8) Mold;
(9) Riciness;
(10) Wilting; and,
(11) Other means.

(e) Free from serious damage by any cause.

(f) For tolerances (see § 51.543).

§ 51.541 U.S. Commercial.

"U.S. Commercial" consists of heads of cauliflower which meet the requirements for the U.S. No. 1 grade except for the increased tolerances for defects specified in § 51.543.

UNCLASSIFIED

§ 51.542 Unclassified.

"Unclassified" consists of cauliflower which has not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.543 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *For defects* (1) *U.S. No. 1.* 10 percent for heads of cauliflower in any lot which fail to meet the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for soft or wet decay affecting the curd or butt. (See § 51.544.)

(2) *U.S. Commercial.* 20 percent for heads of cauliflower in any lot which fail to meet the requirements of the grade, but not more than one-half of this tolerance, or 10 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for soft or wet decay affecting the curd or butt. (See § 51.544.)

(b) *For off-size.* 5 percent for heads of cauliflower smaller than the specified minimum curd size and 5 percent for heads of cauliflower larger than any specified maximum curd size. (See § 51.544.)

APPLICATION OF TOLERANCES

§ 51.544 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) A package may contain not more than double any specified tolerance except that at least two defective and two off-size specimens may be permitted in any package: *Provided,* That not more than one specimen which is affected by soft or wet decay occurring on the curd or butt portion of the head may be permitted in any package: *And provided further,* That the averages for the lot are within the tolerances specified for the grade.

STANDARD SIZING

§ 51.545 Standard sizing.

(a) Any lot of cauliflower may be designated as meeting the requirements for standard sizing provided the variation in diameter of the curd in any individual package is not more than 1½ inches.

(b) In order to allow for variations incident to proper packing not more than 10 percent of the containers in any lot may fail to meet the requirements for standard sizing.

DEFINITIONS

§ 51.546 Clean.

"Clean" means that the curd is practically free from dirt or other foreign matter.

§ 51.547 Compact.

"Compact" means that the flower clusters are closely united and the curd is solid.

§ 51.548 Diameter.

"Diameter" means the greatest dimension measured in a straight line which would pass through the center of the curd.

§ 51.549 Fresh.

"Fresh" means that the jacket leaves are of normal color and are not wilted.

§ 51.550 Closely trimmed.

"Closely trimmed" means that the butts are smoothly trimmed and jacket leaves do not exceed the number and length necessary for protection against bruising, and do not extend above the crown of the curd. No jacket leaves are required on heads which are individually wrapped, or packed with cushions, partitions or other protective means.

§ 51.551 Fairly clean.

"Fairly clean" means the jacket leaves are not caked or badly smeared with dirt or other foreign matter.

§ 51.552 Curd.

"Curd" means the edible portion of the head exclusive of the butt and any attached jacket leaves.

§ 51.553 Soft or wet decay.

"Soft or wet decay" means any soft or mushy breakdown of the curd, butt, or leaves.

§ 51.554 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the cauliflower. The following specific defects shall be considered as damage:

(a) Bruising when the size or color of the affected area materially detracts from the appearance or marketing quality, or when more than a small portion of the curd has broken off;

(b) Cuts when materially detracting from the appearance or marketing quality, or when any cut exposes the flower stem;

(c) Discoloration when yellow or other abnormal color materially detracts from the appearance of the curd, or of the jacket leaves of closely trimmed cauliflower, or seriously detracts from the appearance of the jacket leaves of cauliflower not closely trimmed;

(d) Enlarged bracts when leaves growing up through and extending above the curd materially detract from the appearance of the head;

(e) Fuzziness when more than one-third of the curd surface has a distinct fuzzy appearance;

(f) Hollow stem when the opening extends into the curd, or when the opening is more than slightly discolored or watersoaked;

(g) Insects when any feeding injury on the curd is evident, or when the curd is more than slightly infested or the jacket leaves are more than moderately infested with aphids or other insects;

(h) Mold when the aggregate area of all spots exceeds that of a circle three-eighths inch in diameter, or when the area of any individual spot exceeds that of a circle one-eighth inch in diameter. Mold which causes disintegration of the curd is considered soft decay; and,

(i) Riciness when causing the surface of the curd to be abnormally rough or granular.

§ 51.555 Serious damage.

"Serious damage" means any specific defect described in this section, any other defect, or any combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the cauliflower. The following specific defects shall be considered as serious damage:

(a) Insects when the curd is more than slightly infested or the jacket leaves badly infested with aphids or other insects, or when insect feeding injury seriously detracts from the appearance of the head;

(b) Soft or wet decay affecting any portion of the head.

METRIC CONVERSION TABLE

§ 51.556 Metric conversion table.

Inches	*Millimeters (mm)*	*Inches*	*Millimeters (mm)*
⅛ equals	3.2	3 equals	76.2
¼ equals	6.4	4 equals	101.6
½ equals	12.7	5 equals	127.0
¾ equals	19.1	6 equals	152.4
1 equals	25.4	7 equals	177.8
1½ equals	38.1	8 equals	203.2
2 equals	50.8	9 equals	228.6

[F.R. Doc. 68-1252; Filed, Jan. 31, 1968; 8:50 a.m.]

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

FEES AND CHARGES

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the provisions of 7 CFR 58.39 (b) and (c) are hereby amended by changing the phrase "$6 per hour" to "$7.20 per hour."

The Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) provides for collection of such fees as will be reasonable

and which, as nearly as may be, cover the cost of the service rendered under its provisions.

The cost of inspection and grading service of manufactured or processed dairy products has increased since the last revision in February 1966 due to legislation increasing salaries and other benefits paid to Federal employees engaged in the performance of the service. It has been determined that in order to cover the increased costs and to bring that portion of the service covered by the hourly fee onto a self-sustaining basis the fee needs to be raised from $6 per hour to $7.20 per hour. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, pursuant to the Administrative Procedure Act (5 U.S.C. 553) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1968, with respect to inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 29th day of January 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-1253; Filed, Jan. 31, 1968; 8:50 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED CIGAR BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamation of a National Marketing Quota for Burley Tobacco for 3 Marketing Years Beginning October 1, 1968, October 1, 1969, and October 1, 1970; Determinations and Announcement of National Marketing Quota for Burley Tobacco for 1968–69 Marketing Year

Basis and purpose. Section 724.1 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", (1) to proclaim a national marketing quota for burley tobacco for each of the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; (2) to determine the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1967; and (3) to announce for the 1968–69 marketing year the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the national acreage allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for burley tobacco. The determinations contained in § 724.1 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (32 F.R. 16043) given in accordance with the provisions of 5 U.S.C. 553.

Since the Act requires the holding of a referendum of burley tobacco producers within 30 days after issuance of the proclamation of a national marketing quota for burley tobacco to determine whether such producers favor quotas, and since burley tobacco farmers are now making preparations for the 1968 production of burley tobacco and need to know, at the earliest possible date, the 1968 burley tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.1 Proclamation of a national marketing quota for burley tobacco for the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1968.

(a) *Proclamation.* Since the 1967–68 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for burley tobacco, a national marketing quota for burley tobacco for each of the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970, is hereby proclaimed.

(b) *Reserve supply level.*[1] The reserve supply level for burley tobacco is 1,779.3 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 576 million pounds and a normal year's exports of 67 million pounds.

(c) *Total supply.*[1] The total supply of burley tobacco for the marketing year beginning October 1, 1967, calculated in accordance with the Act, is 1,940.3 million pounds, consisting of carryover of 1,381.5 million pounds and estimated 1967 production of 558.8 million pounds.

(d) *Carryover.*[1] The estimated carryover of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1968, calculated in accordance with the Act, is 1,315.3 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1967, of 625 million pounds from the total supply of such tobacco.

(e) *National marketing quota.*[1] The amount of burley tobacco which will make available during the marketing year beginning October 1, 1968, a supply of burley tobacco equal to the reserve supply level of such tobacco is 464 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 464 million pounds would result in undue restriction of marketings during the 1968–69 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1968, is 556.8 million pounds.

(f) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1968–69 marketing year by the 5-year 1963–67 national average yield of 2,230 pounds, is 249,686.10 acres.

(g) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1968–69 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1968 preliminary allotments for 1968 old farms.

(h) *National reserve.* The national acreage reserve is 354.17 acres, of which 150 acres are made available for 1968 new farms, and 204.17 acres are made available for making corrections and adjusting inequities in old farm allotments.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-1291; Filed, Jan. 31, 1968; 8:50 a.m.]

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[1] Rounded to the nearest tenth of a million pounds.

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamation of a National Marketing Quota for Virginia Sun-Cured Tobacco for Each of the 3 Marketing Years Beginning October 1, 1968, October 1, 1969, and October 1, 1970; and Determinations and Announcements of the National Marketing Quotas, for Fire-Cured (Type 21) Tobacco, Fire-Cured (Types 22, 23, and 24) Tobacco, Dark Air-Cured Tobacco, and Virginia Sun-Cured Tobacco for 1968–69 Marketing Year

Sec.

724.4 Determinations with respect to the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1968.

724.5 Determinations with respect to the national marketing quota for fire-cured (types 22, 23, and 24) tobacco for the marketing year beginning October 1, 1968.

724.6 Determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1968.

724.7 Proclamation of national marketing quotas for Virginia sun-cured tobacco for the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1968.

AUTHORITY: The provisions of this subpart issued under secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375.

Basis and purpose. Sections 724.4 through 724.7 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act," (1) to proclaim a national marketing quota for Virginia sun-cured tobacco for each of the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; (2) to determine the reserve supply level and the total supply of fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1967; and, (3) to announce for the 1968–69 marketing year the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the national acreage allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco. The determinations contained in §§ 724.4 through 724.7 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from fire-cured (type 21) tobacco, fire-cured (types 22, 23, and 24) tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco producers and others as provided in a notice (32 F.R. 16043) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas for fire-cured and dark air-cured tobacco will not be announced for the 1968–69 marketing year. Since all tobacco farmers need to be notified of 1968 crop year allotments as soon as possible in order for them to make their plans for 1968 tobacco production, and since the Act requires the holding of a referendum of Virginia sun-cured tobacco producers within 30 days after issuance of the proclamation of a national marketing quota for this kind of tobacco to determine whether such producers favor quotas, and the Act requires insofar as practicable the mailing of farm allotments to farmers prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.4 Determinations with respect to the national marketing quota for fire-cured (type 21) tobacco for the marketing year beginning October 1, 1968.

(a) *Reserve supply level.*[1] The reserve supply level for fire-cured (type 21) tobacco is 21,589 thousand pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 3,786 thousand pounds and a normal year's exports of 6,151 thousand pounds.

(b) *Total supply.*[1] The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1967, is 21,724 thousand pounds, calculated in accordance with the Act, from a carryover of 14,839 thousand pounds and estimated 1967 production of 6,885 thousand pounds.

(c) *Carryover.*[1] The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1968, calculated in accordance with the Act, is 12,224 thousand pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1967, of 9,500 thousand pounds from the total supply of such tobacco.

(d) *National marketing quota.*[1] The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1968, a supply of fire-cured (type 21) tobacco equal to the reserve supply level of such tobacco is 9,365 thousand pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 9,365 thousand pounds would result in undue restriction of marketings during the 1968–69 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1968, is 11,238 thousand pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1968–69 marketing year by the 5-year 1963–67 national average yield of 1,195 pounds is 9,404.18 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1968 preliminary allotments for 1968 old farms.

(g) *National reserve.* The national acreage reserve is 94.04 acres, of which 10 acres are made available for 1968 new farms, and 84.04 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.5 Determinations with respect to the national marketing quota for fire-cured (types 22–24) tobacco for the marketing year beginning October 1, 1968.

(a) *Reserve supply level.*[2] The reserve supply level for fire-cured (types 22–24) tobacco is 120 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 25.3 million pounds and a normal year's exports of 27.1 million pounds.

(b) *Total supply.*[2] The total supply of fire-cured (types 22–24) tobacco for the marketing year beginning October 1, 1967, is 124.7 million pounds, calculated in accordance with the Act, from a carryover of 91.3 million pounds and estimated 1967 production of 33.4 million pounds.

(c) *Carryover.*[2] The estimated carryover of fire-cured (types 22–24) tobacco for the marketing year beginning October 1, 1968, calculated in accordance with the Act, is 79.7 million pounds, calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1967, of 45 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of fire-cured (types 22–24) tobacco which will make available during the marketing year beginning October 1, 1968, a supply of fire-cured (types 22–24) tobacco equal to the reserve supply level of such tobacco is 40.3 million pounds, and a national marketing quota

[1] Rounded to the nearest thousand pounds.

[2] Rounded to the nearest tenth of a million pounds.

of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 40.3 million pounds would result in undue restriction of marketings during the 1968–69 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22–24) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1968, is 48.4 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1968–69 marketing year by the 5-year 1963–67 national average yield of 1,796 pounds, is 26,948.78 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1968–69 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1968 preliminary allotments for 1968 old farms.

(g) *National reserve.* The national acreage reserve is 269.48 acres, of which 10 acres are made available for 1968 new farms, and 259.48 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.6 Determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1968.

(a) *Reserve supply level.*[2] The reserve supply level for dark air-cured tobacco is 76.3 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 22.3 million pounds and a normal year's exports of 6.9 million pounds.

(b) *Total supply.*[2] The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1967, is 79.2 million pounds, calculated in accordance with the Act, from a carryover of 60.5 million pounds and estimated 1967 production of 18.7 million pounds.

(c) *Carryover.*[2] The estimated carryover of dark air-cured tobacco for the marketing year beginning October 1, 1968, calculated in accordance with the Act, is 57.2 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1967, of 22 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*[2] The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1968, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 19.1 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 19.1 million pounds would result in undue restriction of marketings during the 1968–69 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1968, is 22.9 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1968–69 marketing year by the 5-year 1963–67 national average yield of 1,808 pounds, is 12,665.93 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1968–69 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1968 preliminary allotments for 1968 old farms.

(g) *National reserve.* The national acreage reserve is 38.37 acres, of which 25.71 acres are made available for 1968 new farms, and 12.66 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.7 Proclamation of a national marketing quota for Virginia sun-cured tobacco for the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1968.

(a) *Proclamation.* Since the 1967–68 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Virginia sun-cured tobacco, a national marketing quota for Virginia sun-cured tobacco for each of the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970, is hereby proclaimed.

(b) *Reserve supply level.*[1] The reserve supply level for Virginia sun-cured tobacco is 5,847 thousand pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 1,800 thousand pounds and a normal year's exports of 375 thousand pounds.

(c) *Total supply.*[1] The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1967, is 5,447 thousand pounds, calculated in accordance with the Act from a carryover of 4,157 thousand pounds and estimated 1967 production of 1,290 thousand pounds.

(d) *Carryover.*[1] The estimated carryover of Virginia sun-cured tobacco for the marketing year beginning October 1, 1968, calculated in accordance with the Act, is 3,595 thousand pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1967, of 1,852 thousand pounds from the total supply of such tobacco.

(e) *National marketing quota.*[1] The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1968, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 2,252 thousand pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 2,252 thousand pounds would result in undue restriction of marketings during the 1968–69 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1968, is 2,702 thousand pounds.

(f) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1968–69 marketing year by the 1963–67, 5-year national average yield of 1,013 pounds, is 2,667.32 acres.

(g) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1968–69 marketing year is 1. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1968 preliminary allotments for 1968 old farms.

(h) *National reserve.* The national acreage reserve is 26.67 acres, of which 4 acres are made available for 1968 new farms, and 22.67 acres are made available for making corrections and adjusting inequities in old farm allotments.

Effective date: Date of Filing of the document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 30, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–1292; Filed, Jan. 31, 1968; 8:50 a.m.]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR BINDER (TYPES 51 AND 52), CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamation of National Marketing Quota for Maryland Tobacco for Each of the Three Marketing Years Beginning October 1, 1968, October 1, 1969, and October 1, 1970; and Determinations and Announcement for 1968 New and Old Farm Allotments, for Maryland Tobacco for 1968–69 Marketing Year

Basis and purpose. Section 724.8 is issued pursuant to and in accordance

with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act," (1) to proclaim a national marketing quota for Maryland tobacco for each of the three marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; (2) to determine the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1967; (3) to announce for the 1968–69 marketing year the amount of the national marketing quota, national acreage allotment, national acreage factor for apportioning the nation acreage allotment (less reserve) to old farms, and the amount of the national reserve and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for Maryland tobacco. The determinations contained in § 724.8 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (32 F.R. 16043) given in accordance with the provisions of 5 U.S.C. 553.

Since the Act requires the holding of a referendum of Maryland tobacco producers within 30 days after issuance of the proclamation of a national marketing quota for Maryland tobacco to determine whether such producers favor quotas, and since Maryland tobacco farmers are now making their plans for 1968 production of Maryland tobacco and need to know, at the earliest possible date, the 1968 Maryland tobacco allotments for their farms, notices of which, insofar as practicable, are required to be mailed to farm operators prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.8 Proclamation of a national marketing quota for Maryland tobacco for the three marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; and determinations with respect to the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1968.

(a) *Proclamation.* Since national marketing quotas for Maryland tobacco for the 1967–68, 1968–69, and 1969–70 marketing years were disapproved by growers voting in a referendum conducted February 20–24, 1967, and since this was not the third consecutive disapproval of such quotas, the Act requires the proclamation of a national marketing quota for Maryland tobacco for each of the 3 marketing years beginning October 1, 1968, October 1, 1969, and October 1, 1970; and each such quota is hereby proclaimed.

(b) *Reserve supply level.*[1] The reserve supply level for Maryland tobacco is 109.8 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 29 million pounds and a normal year's exports of 15 million pounds.

(c) *Total supply.*[1] The total supply of Maryland tobacco for the marketing year beginning October 1, 1967, calculated in accordance with the Act, is 124 million pounds consisting of estimated carryover of 86 million pounds and estimated 1967 production of 38 million pounds.

(d) *Carryover.*[1] The estimated carryover of Maryland tobacco for the 1968–69 marketing year, calculated in accordance with the Act, is 79.1 million pounds.

(e) *National marketing quota.*[1] The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1968, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 30.7 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however that a national marketing quota in the amount of 30.7 million pounds would result in undue restriction of marketings during the 1968–69 marketing year and such amount hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1968, is 36.8 million pounds.

(f) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1968–69 marketing year by the 5-year 1963–67 national average yield of 1,081 pounds, is 34,042.55 acres.

(g) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1968–69 marketing year is 1.05. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the 1968 preliminary allotments for 1968 old farms.

(h) *National reserve.* The national acreage reserve is 290.52 acres, of which 40 acres are made available for 1968 new farms, and 250.52 acres are made available for making corrections and adjusting inequities in old farm allotments.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended; 46, as amended; 47, as amended; 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Effective date: Date of filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 25, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68–1250; Filed, Jan. 31, 1968; 8:50 a.m.]

[1] Rounded to the nearest tenth of a million pounds.

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1968

Basis and purpose and statement of bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment is to permit the importation of an additional 100,000 short tons, raw value, of raw sugar from foreign countries during the first quarter of this year.

This amendment is necessary to assure refineries North of Hatteras of adequate supplies of raw sugar. Large quantities of sugar are available to Southern refineries from the record mainland cane sugar crop. Nevertheless, offshore raw sugar in considerable quantities is being scheduled for Gulf ports during the early part of this year. In addition, distribution of refined cane sugar so far this year appears to be continuing the better-than-normal rate which marked the final quarter of 1967. Accordingly, additional raw sugar is needed for refineries in the Northeast.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.63 is amended by amending subparagraph (1), subdivision (ii) of subparagraph (2), and subdivisions (i) and (v) of subparagraph (3) to read as follows:

§ 811.63 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, an amount not to exceed 2,200,000 short tons, raw value, of raw sugar, which includes quantities imported in late 1967 under bond for refining and storage, may be charged against such 1968 quotas and authorized for importation or release from bond from all such foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1968. Such charges to such 1968 quotas shall be made in the following manner: (i) The quantities imported in late 1967 under bond for refining and storage will be released from bond and charged to such quotas on January 1, 1968; (ii) in addition 925,000 short tons, raw value, of sugar will be authorized for importation and charged to such quotas during the first quarter of the year and; (iii) that part of the 2,200,000 short tons, raw value, not charged to such 1968 quotas under

subdivisions (i) and (ii) of this subparagraph will be authorized for importation and charged to such quotas during the second quarter of 1968.

(2) * * *

(ii) Applications for the importation of sugar during the first quarter received on or before December 19, 1967, will be considered as having been received at the same time. Applications for the importation during the first quarter of 75,000 short tons, raw value, of sugar, representing an addition to the initial limitation of 750,000 short tons, raw value, received on or before January 15, 1968, will be considered as having been received at the same time. Applications for the importation during the first quarter of 100,000 short tons, raw value, of sugar representing an addition to previous first quarter limitations of 825,000 short tons, raw value, received on or before January 31, 1968, will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 15, 1968, will be considered as having been received at the same time.

(3) (i) Allocations of first quarter importations among countries will be made in the following manner within the limits of applications received. Allocations among countries of the initial limitation of 750,000 short tons, raw value, shall be made as provided in subdivisions, (ii), (iii), and (iv) of this subparagraph. Allocation among countries of 175,000 short tons, raw value, representing additions to the initial limitation of 750,000 short tons, raw value, shall be made as provided in subdivision (v) of this subparagraph.

* * * * *

(v) The 175,000 short tons, raw value, shall be prorated among countries that supply the sugar for which applications for importation have been made, on the basis of first quarter importations from such countries as set forth in subparagraph (5) of this paragraph.

* * * * *

(Secs. 202, 403, 61 Stat. 924 as amended, 932 as amended; 7 U.S.C. 1112, 1153)

Effective date. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar from foreign countries be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-1257; Filed, Jan. 30, 1968; 10:10 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 146]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.446 Navel Orange Regulation 146.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 30, 1968.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 2, 1968, through February 8, 1968, are hereby fixed as follows:

(i) District 1: 400,000 cartons;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 31, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-1346; Filed, Jan. 31, 1968; 11:18 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Mo., marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of February and March 1968.

(1) In § 1062.51(a) the following words of the introductory text preceding subparagraph (1): "And plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:"

(2) Subparagraph (1) of § 1062.51(a).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for the months of February and March 1968, the effect of prior suspension orders which eliminated the supply-demand adjustor for the period June 3, 1967, through January 31, 1968 (32 F.R. 8022, 32 F.R. 10909, 32 F.R. 12957, and 32 F.R. 16479). Such prior suspension orders were issued at the request of cooperative associations whose members comprise a large majority of producers serving the St. Louis market and other markets affected by this supply-demand adjustor. Hearings have been held in St. Louis, Mo., January 24, 1967, pursuant to notice issued January 13, 1967 (32 F.R. 613) and February 28–March 3, 1967, pursuant to notice issued January 24, 1967 (32 F.R. 1042) at which proposals to revise the supply-demand adjustor were considered. The present suspension action is being taken to prevent supply-demand adjustments for this additional period while consideration is being given to the record.

(4) The previous suspensions were taken so that a decrease in the Class I price would not unduly reduce returns to producers in the St. Louis, Mo., Ozarks, Southern Illinois, and Paducah markets. Since the same conditions that prompted the previous suspension orders continue to prevail this order effective for the months of February and March 1968 is warranted.

Therefore, good cause exists for making this order effective February 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February and March 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1968.

Signed at Washington, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–1235; Filed, Jan. 31, 1968; 8:49 a.m.]

[Milk Order 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Kansas City marketing area (7 CFR Part 1064), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of February and March 1968.

(1) In § 1064.51(a), in the language preceding subparagraph (1), the words "and plus or minus a supply-demand adjustment of not more than 45 cents, computed as follows:"; and

(2) In § 1064.51(a), subparagraphs (1), (2), and (3).

(b) Notice of proposed rule making, public procedure thereon, and thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

This suspension order will remove the supply-demand adjuster provision as a factor in computing the Class I price for February and March 1968. The suspension action was requested by cooperative associations representing more than two-thirds of the producers supplying the market. These cooperatives have requested that a hearing be held to consider revising the present supply-demand adjustor which they claim is now establishing Class I prices in the Greater Kansas City area which are unduly low relative to prices in surrounding areas where no similar adjustor is reducing Class I prices. These organizations have requested that the supply-demand adjustor be suspended until a hearing can be held and a revised provision made effective.

Because it will take additional time to hold a hearing and complete amendatory action on an appropriate supply-demand adjustment to the Class I price, suspension of the present supply-demand provision is necessary for the months of February and March 1968.

Therefore, good cause exists for making this order effective February 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February and March 1968.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1968.

Signed at Washington, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–1231; Filed, Jan. 31, 1968; 8:48 a.m.]

[Milk Order 73]

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Wichita, Kans., marketing area (7 CFR Part 1073), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of February 1968, and March 1968:

In § 1073.51(a) that portion of the first sentence reading as follows: ", subject to a supply-demand adjustment computed pursuant to subparagraphs (1) through (3) of this paragraph"; and subparagraphs (1), (2), and (3) relating to the supply-demand adjustment to the Class I price.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will eliminate supply-demand adjustments to the Class I price for February 1968, and March 1968, and will improve Class I price alignment in this market. A Class I sales account to an outside market is no longer available and approximately 1.6 million pounds of milk is now being pooled locally thereby causing abnormal fluctuation in the supply-demand adjustor in this order.

(4) This suspension action was requested by producers at a public hearing held June 15, 1967, at Wichita, Kans. At the hearing a witness testified that emergency action in the form of a suspension order is necessary to obtain orderly marketing conditions in the area pending the time when an amended order can be issued. There was no opposition to the request. Upon this basis suspension of these provisions for the months of July and August 1967, were issued June 28, and July 27, 1967. A recommended decision was issued on July 28, 1967. Further suspensions were issued August 25, 1967, and November 28, 1967, for the months of September 1967 through January 1968. It is now evident amendment on the basis of the hearing cannot be completed by February 1, 1968.

Therefore, good cause exists for making this order effective February 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period February 1, 1968, through March 31, 1968.

(Secs. 1–9, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1968.

Signed at Washington, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–1232; Filed, Jan. 31, 1968; 8:48 a.m.]

[Milk Order 94]

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the New Orleans,

La., marketing area (7 CFR Part 1094), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of February and March 1968:

(1) In § 1094.51(a), in the language preceding subparagraph (1), the words "and plus or minus a supply-demand adjustment calculated for each month pursuant to subparagraphs (1) through (6) of this paragraph:"; and

(2) Section 1094.51(a)(6).

(b) Thirty days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This provision was previosuly suspended for the months of October, November, and December 1967, and January 1968 (32 F.R. 13855; 32 F.R. 16527), at the request of a cooperative association representing the majority of producers on the New Orleans market. The cooperative association in its request contended that the present supply-demand adjustor does not properly reflect market conditions, and requested that a public hearing be held to consider whether a revised supply-demand adjustor should be developed.

(4) The amounts of price adjustment made by the supply-demand adjustor in 1967 prior to its suspension varied from minus 18 cents to minus 45 cents. Unless the supply-demand adjustment is suspended it is likely to unduly depress returns to producers.

Since addtional time will be needed to hold a hearing and complete the procedure, suspension of the present supply-demand provision should be continued for the months of February and March 1968.

Therefore, good cause exists for making this order effective for the months of February and March 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February and March 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1968.

Signed at Washington, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–1233; Filed, Jan. 31, 1968; 8:48 a.m.]

[Milk Order 103]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Mississippi marketing area (7 CFR Part 1103), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the Act for the months of February and March 1968:

(1) In the introductory text of § 1103.51(a) the provision "and plus or minus a supply-demand adjustment beginning in October 1967 computed pursuant to subparagraphs (1), (2), and (3) of this paragraph"; and

(2) In § 1103.51(a), subparagraph (3).

(b) Thirty days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action will continue to suspend the supply-demand provision of the order which was scheduled to become effective October 1, 1967, but which has been suspended for the months of October, November, and December 1967, and January 1968 (32 F.R. 13713; 32 F.R. 16527).

(4) The original suspension action effective October 1, 1967, was requested by cooperative associations representing a majority of producers in the Mississippi market. The associations contended that the supply-demand provision in the order does not properly reflect marketing conditions and have made a proposal for a hearing to consider revision of the supply-demand adjustor.

(5) Monthly values for the supply-demand adjustment have been calculated by the market administrator beginning with December 1966, when the order was amended to provide that supply-demand calculations would be made each month although not effective in adjusting the price until October 1, 1967. The substantial month-to-month variations of the calculated adjustment figures, primarily in the negative range (although not effective), are reason for doubt as to whether the provision as now constructed reliably reflects market conditions. Unless the provision is suspended the supply-demand adjustor could unduly depress returns to producers.

Since additional time will be needed to hold a hearing and complete the necessary procedures, suspension of the provision should be continued for the months of February and March 1968.

Therefore, good cause exists for making this order effective February 1, 1968, through March 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February and March 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1968.

Signed at Washintgon, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–1234; Filed, Jan. 31, 1968; 8:49 a.m.]

[Milk Orders 106, 126]

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas (7 CFR Parts 1106 and 1126), it is hereby found and determined that:

(a) The following provisions of the orders no longer tend to effectuate the declared policy of the Act for February and March 1968;

(1) In § 1106.51(a) of the order regulating the handling of milk in the Oklahoma Metropolitan marketing area, the last sentence of the introductory text reading as follows: "To this price add or subtract a 'supply-demand adjustment' of not more than 50 cents, computed as follows:" and subparagraphs (1), (2), and (3).

(2) In § 1126.51(a) of the order regulating the handling of milk in the North Texas marketing area, that portion of the last sentence of the introductory text reading as follows: "and subject to a supply-demand adjustment of not more than 50 cents computed as follows:" and subparagraph (1), (2), (3), (4), (5), and (6).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension will continue for the months of February and March 1968 the elimination of the effect of supply-demand adjustors in the Oklahoma Metropolitan and North Texas orders that was provided for December 1967, and January 1968, by suspension order issued November 28, 1967 (32 F.R. 16480).

(4) This suspension action was requested by both producers and handlers at a public hearing held May 15, 1967, at Oklahoma City, Okla. At the hearing, witnesses testified that emergency action in the form of a suspension order is necessary to maintain orderly marketing conditions pending the time when an amended order can be issued. No testimony was offered in opposition to this

request. It is now evident that amendatory action based upon this hearing will not be completed so that an amended order could be effective by February 1, 1968.

Therefore, in view of the foregoing reasons, good cause exists for making this order effective February 1, 1968.

It is therefore ordered, That the aforesaid provisions of the orders are hereby suspended for the period February 1, 1968, through March 31, 1968.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1968.

Signed at Washington, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 68–1236; Filed, Jan. 31, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67–CE–98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On November 9, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15588) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate segment to VOR Federal airway No. 9 from Iron Mountain, Mich., to Green Bay, Wis., via Menominee, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 28, 1968, as hereinafter set forth.

In § 71.123 (33 F.R. 2009) V–9 is amended by deleting "12 AGL Iron Mountain, Mich.;" and substituting "12 AGL Iron Mountain, Mich., including a 12 AGL east alternate from Green Bay to Iron Mountain via Menominee, Mich.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 22, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–1227; Filed, Jan. 31, 1968; 8:48 a.m.]

[Airspace Docket No. 67–SO–124]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke the Currituck Sound, N.C., Restricted Area R–5310.

The Department of the Navy has advised the Federal Aviation Administration that Restricted Area R–5310 is no longer required.

Since this amendment reduces the burden on the public, notice and public procedure hereon are unnecessary and the amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.53 (33 F.R. 2332) Restricted Area R–5310 Currituck Sound, N.C., is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 22, 1968.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 68–1228; Filed, Jan. 31, 1968; 8:48 a.m.]

[Docket No. 7522; Amdt. 121–38]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Additional Emergency Exits; Extension of Effective Date

The purpose of this amendment is to further extend, to February 1, 1969, the effective date of the requirement in § 121.310(j) that excess approved emergency exits must meet all of the emergency exit requirements (with minor exceptions) contained in § 121.310 of the Federal Aviation Regulations.

On September 15, 1967, the FAA adopted Amendment 121–30, Crashworthiness and Passenger Evacuation Standards; Transport Category Airplanes, which included a new requirement with respect to approved emergency exits that are in excess of the number required for the passenger seating capacity of the airplane. This new provision requires all such exits in the passenger compartment to meet all of the applicable provisions of § 121.310 (marking, lighting, etc.) except that they must be readily accessible in lieu of meeting the specific access requirements. The Air Transport Association of America requested a two year extension of the effective date of this amendment. After reviewing the facts submitted by ATA, the FAA agreed that some additional time was required for design and installation of the necessary equipment. However, the FAA did not believe that a 2-year extension was warranted and granted an extension only to February 1, 1968.

By letter dated December 29, 1967, the ATA petitioned for a further extension of the February 1, 1968, compliance date. While the ATA contends that the rationale supporting its previous petition for a 2-year extension is still valid it limited its latest request to a postponement to February 1, 1969. In support of this latest request, ATA pointed out that the equipment necessary to meet the February 1, 1968 date, particularly the slides, are not available at this time. ATA maintains that a reasonable postponement of the effective date of § 121.310(j) is necessary to allow the industry adequate time in which to procure the required equipment, obtain FAA approval of, and make, the necessary modifications.

After reviewing all of the available facts, the FAA has determined that the present unavailability of certain equipment needed to accomplish the modifications to activate the affected excess exits justifies an extension of the compliance date in § 121.310(j) to February 1, 1969.

Since this amendment is an extension of the effective date of a new requirement and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, § 121.310(j) of the Federal Aviation Regulations is amended, effective January 31, 1968, by changing the date therein to read "January 31, 1969."

(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424)

Issued in Washington, D.C., on January 29, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68–1255; Filed, Jan. 31, 1968; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965——)

Subpart B—Supplementary Medical Insurance Benefits

PSYCHIATRIC SERVICES LIMITATION; EXPENSES INCURRED FOR PHYSICIAN SERVICES

Correction

In F.R. Doc. 68–226 appearing at page 404 in the issue of Thursday, January 11, 1968, in the second column, twenty-third line, the word "rehabilitation" should be substituted for the words "and care".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Diethyl O-[p-(Methylsulfinyl) phenyl] Phosphorothioate

A petition (PP 7F0600) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, Mo. 64120, proposing the establishment of tolerances for residues of the insecticide *O,O-diethyl O-[p-(methylsulfinyl) phenyl]* phosphorothioate in or on the raw agricultural commodities corn (including field corn, sweet corn, and popcorn), onions (dry), potatoes, and tomatoes at 0.1 part per million.

Subsequently, the petitioner withdrew the request for a tolerance on potatoes and tomatoes and requested tolerances in or on the raw agricultural commodities field corn (forage and fodder) at 1 part per million and field corn (grain) and onions (dry) at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended as follows:

1. Section 120.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 120.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

O,O-Diethyl O-[p-(methylsulfinyl) phenyl] phosphorothioate and its cholinesterase-inhibiting metabolitees.	

* * * * *

2. The following new section is added to Subpart C:

§ 120.234 *O,O*-Diethyl *O*-[*p*(methylsulfinyl)phenyl] phosphorothioate; tolerances for residues.

Tolerances are established for the combined residues of the insecticide *O,O* - diethyl *O* - [*p* - (methylsulfinyl) phenyl] phosphorothioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities as follows:

1 part per million in or on field corn forage and fodder.

0.1 part per million in or on field corn (grain) and onions (dry).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1205; Filed, Jan. 31, 1968; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

CARBARSONE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6D1830) filed by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, and other relevant material, has concluded that: (1) The food additive regulations should be amended to provide for the safe use of carbarsone in turkey feed as an aid in the prevention of blackhead; and (2) the levels, limitations, and indications for use of premixes containing carbarsone for chicken and turkey feeds as currently marketed are superseded by the provisions in this order. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart C the following new section:

§ 121.310 Carbarsone (not U.S.P.).

Carbarsone (not U.S.P.) may be safely used in animal feed when incorporated therein in accordance with the following prescribed conditions:

(a) The additive is the chemical *p*-ureidobenzenearsonic acid ($C_7H_9AsN_2O_4$) conforming to the following specifications:

	Percent	
Total arsenic (dry basis)	27.36	minimum.
Total arsenic, calculated as carbarsone (dry basis).	95.0	minimum.
Carbarsone (dry basis)	92.0	minimum.
Arsanilic acid (dry basis)	3.5	maximum.
Potassium chloride (dry basis).	4.5	maximum.
Loss on drying	3.0	maximum.
Inorganic arsenates, as AsO_4.	0.05	maximum.

(b) The additive is used or intended for use as follows:

CARBARSONE IN COMPLETE TURKEY FEED

	Amount	Limitations	Indications for use
Carbarsone	*Grams per ton* 340.5 (0.0375%)	For turkeys; feed continuously beginning 2 weeks before blackhead is expected and continue as long as prevention is needed; withdraw 5 days before slaughter; as sole source of organic arsenic.	For use as an aid in the prevention of blackhead.

(c) To assure safe use, the labels and labeling of the additive in any intermediate premix or finished feed shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive, carbarsone (not U.S.P.).

(2) A statement of the quantity of the additive contained therein.

(3) Adequate directions and warnings for use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein

the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-1209; Filed, Jan. 31, 1968; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 166—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Listing of Drugs; Editorial Change

Effective on date of publication of this order in the FEDERAL REGISTER, § 166.3 *Listing of drugs defined in section 201(v) of the act* is amended to effect an editorial change by revising the column headings reading *"Established name"* in paragraphs (a)(3), (b), and (c) (1) and (3) to read *"Established name or other nonproprietary designation."*

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: January 24, 1968.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 68-1206; Filed, Jan. 31, 1968; 8:46 a.m.]

Title 23—HIGHWAYS AND VEHICLES

Chapter II—Vehicle and Highway Safety

[Docket No. 9]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment—Passenger Cars, Multipurpose Passenger Vehicles, Trucks, Buses, Trailers, and Motorcycles

Correction

In F.R. Doc. 67-14536 appearing at page 18033 in the issue of Saturday, December 16, 1967, the fifth entry in Table IV entitled "Parking lamp" was inadvertently omitted. As corrected, Table IV reads as follows:

TABLE IV—EQUIPMENT LOCATION

PASSENGER CARS; MOTORCYCLES; AND MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, OF LESS THAN 80 INCHES OVERALL WIDTH

Item	Location on—		Height above road surface measured from center of item on vehicle at curb weight
	Passenger cars, multipurpose passenger vehicles, trucks, trailers, and buses	Motorcycles	
Col. 1	Col. 2	Col. 3	Col. 4
Headlamps	Type 1 headlamps at the same height, 1 on each side of the vertical centerline; Type 2 headlamps at the same height, 1 on each side of the vertical centerline, as far apart as practicable.	On front centerline, except that, if two lamps are used, they may be symmetrically disposed about the front centerline.	Not less than 24 inches, nor more than 54 inches.
Taillamps	On the rear, 1 on each side of the vertical centerline, at the same level, and as far apart as practicable.	On rear centerline except that, if two lamps are used, they may be symmetrically disposed about the rear centerline.	Not less than 15 inches, nor more than 72 inches.
Stop lamps	On the rear, 1 on each side of the vertical centerline, at the same level, and as far apart as practicable.	On rear centerline except that, if two lamps are used, they may be symmetrically disposed about the rear centerline.	Not less than 15 inches, nor more than 72 inches.
License plate lamp	At rear license plate	At rear license plate.	
Parking lamp	On front, 1 on each side of the vertical centerline, at the same level, and as far apart as practicable.		Not less than 15 inches nor more than 72 inches.
Reflex reflectors	2 red—on rear, 1 on each side of the vertical centerline as far apart as practicable and at the same level.[1] 2 red—1 on each side as far aft as practicable.[2] 2 amber—1 on each side as far forward as practicable.[2]	1 red on rear centerline except that, if two reflectors are used on the rear, they may be symmetrically disposed about the centerline. 2 red—1 on each side, as far aft as practicable. 2 amber—1 on each side as far forward as practicable.	Not less than 15 inches nor more than 60 inches.
Backup lamp	On rear, so that the optical center of the lens surface is visible from any eye point elevation from 2 feet to 6 feet above the horizontal plane on which the vehicle is standing, and from any position in the area rearward of a vertical plane, perpendicular to the longitudinal axis of the vehicle 3 feet to the rear of the vehicle, and extending 3 feet beyond each side of the vehicle.		
Turn-signal lamps [3]	At or near the front: 1 amber on each side of the vertical centerline, at the same level, and as far apart as practicable.[4] On rear: 1 red or amber on each side of the vertical centerline, at the same level, and as far apart as practicable.[4]		Not less than 15 inches.
Side-marker lamps	On each side: 1 red lamp as far to the rear as practicable and 1 amber lamp as far forward as practicable.[2]		Not less than 15 inches.

[1] See S3.1.1.5.
[2] See S3.1.1.6.
[3] Front turn signal lamps not required for trailers.
[4] See S3.1.1.7.

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Antitrust Division Directive 2-68]

PART 50—STATEMENTS OF POLICY

Antitrust Division Business Review Procedure

Under and by virtue of the authority vested in me by Subpart H of Part 0 of Title 28, Code of Federal Regulations, Part 50 of Title 28 of the Code of Federal Regulations is amended by adding a new § 50.6 as follows:

§ 50.6 Antitrust Division business review procedure.

Although the Department of Justice is not authorized to give advisory opinions to private parties, for several decades the Antitrust Division has been willing in certain circumstances to review proposed business conduct and state its enforcement intentions. This originated with a "railroad release" procedure under which the Division would forego the

initiation of criminal antitrust proceedings. The procedure was subsequently expanded to encompass a "merger clearance" procedure under which the Division would state its present enforcement intention with respect to a merger or acquisition; and the Department issued a written statement entitled "Business Review Procedure." This is a revision of that statement:

1. A request for a business review letter must be submitted in writing to the Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530.

2. The Division will consider only requests with respect to proposed business conduct, which may involve either domestic or foreign commerce.

3. A business review letter shall have no application to any party which does not join in the request therefor.

4. The requesting parties are under an affirmative obligation to make full and true disclosure with respect to the business conduct for which review is requested. Each request must be accompanied by all relevant data including background information, complete copies of all operative documents and detailed statements of all collateral oral understandings, if any. All parties requesting the review letter must provide the Division with whatever additional information or documents the Division may thereafter request in order to review the matter. In connection with any request for review the Division will also conduct whatever independent investigation it believes is appropriate.

5. No oral clearance, release or other statement purporting to bind the enforcement discretion of the Division may be given. The requesting party may rely upon only a written business review letter signed by the Attorney General, Deputy Attorney General, or Assistant Attorney General in charge of the Antitrust Division.

6. If the business conduct for which review is requested is subject to approval by a regulatory agency, a review request will be considered before agency approval has been obtained (except in the case of bank mergers or acquisitions) where it appears that exceptional and unnecessary burdens might otherwise be imposed on the party or parties requesting review. However, any business review letter issued in these as in any other circumstances will state only the Department's present enforcement intentions under the antitrust laws. It shall in no way be taken to indicate the Department's views on the legal or factual issues that may be raised before the regulatory agency, or in an appeal from the regulatory agency's decision. In particular, the issuance of such a letter is not to be represented to mean that the Division believes that there are no anticompetitive consequences warranting agency consideration.

7. After review of a request submitted hereunder the Division may: state its present enforcement intention with respect to the proposed business conduct; decline to pass on the request; or take such other position or action as it considers appropriate. Ordinarily, however, the Division will state a present intention not to bring a civil action only with respect to mergers, acquisitions or similar arrangements.

8. A business review letter states only the enforcement intention of the Division as of the date of the letter, and the Division remains completely free to bring whatever action or proceeding it subsequently comes to believe is required by the public interest. As to a stated present intention not to bring an action, however, the Division has never exercised its right to bring a criminal action where there has been full and true disclosure at the time of presenting the request.

9. Any requesting party may withdraw a request for review at any time. The Division remains free, however, to submit such comments to such requesting party as it deems appropriate. Failure to take action after receipt of documents or information whether submitted pursuant to this procedure or otherwise, does not in any way limit or estop the Division from taking such action at such time thereafter as it deems appropriate. The Division reserves the right to retain documents submitted to it under this procedure or otherwise and to use them for all purposes of antitrust enforcement.

Dated: January 26, 1968.

DONALD F. TURNER,
Assistant Attorney General,
Antitrust Division.

[F.R. Doc. 68-1244; Filed, Jan. 31, 1968; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 504—PUBLIC INFORMATION ACTIVITIES

Release of Information by Manufacturers, Research Organizations, Educational Institutions Holding Army Contracts, and Other Commercial Entities

New §§ 504.31–504.35 are added, to read as follows:

Sec.
504.31 General.
504.32 Manufacturers and research organizations.
504.33 Educational institutions.
504.34 Other commercial entities.
504.35 Clearance procedures.

AUTHORITY: §§ 504.31 to 504.35 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.

SOURCE: AR 360-27, Dec. 6, 1967.

§ 504.31 General.

(a) *General policy.* Civilian entities engaged in production, procurement, research and development, or other activity, under Department of Army contract or grant, are responsible for safeguarding classified information concerning such contract or grant and the activities accomplished thereunder. In addition to specific security terms written into contracts or grants awarded by the Army, Department of Defense Security Agreement (DD Form 441), together with the Department of Defense Industrial Security Manual for Safeguarding Classified Information, and the provisions of Parts 505 and 518 of this chapter, where applicable, govern.

(b) *Doubtful cases.* In case of doubt as to whether the release of information will result in a violation of security, the manufacturer, educational institution, or research organization holding Army contracts will be responsible for obtaining proper clearance prior to releasing the information.

§ 504.32 Manufacturers and research organizations.

(a) *Applicability.* This section is applicable to manufacturers and research organizations in the United States who receive from the Department of the Army, or any component thereof, any information concerning pre-award negotiations, contract award including a letter of contract, or modification thereof, for the production of military equipment, weapons, supplies, or for research and development and research analyses.

(b) *Release guide.* (1) Subject to §§ 504.31–504.35 and if otherwise not precluded by terms of the solicitation or contract, the following information may be released to the public by manufacturers without further specific clearance by Headquarters, Department of the Army:

(i) A statement that a contract, including a letter contract or modification thereof, has been received.

(ii) A general description of the item procured; for example, tanks, trucks, ammunition, clothing, if designation of the item is not classified.

(iii) The name of the purchasing office, a statement of the item or service, quantity, and monetary value of the contract, if the contract is not classified.

(iv) A statement that employees in certain vocational fields and the number of additional personnel that will be needed by the manufacturer may be announced.

(v) Information previously approved for release by the Army. (Unofficial prior publication does not constitute authority for official release.)

(2) A prospective contractor may solicit prospective subcontractors for component parts or services where the prime contract will be unclassified.

(3) Manufacturers will not release information of the following nature unless clearance is granted by Headquarters, Department of the Army:

(i) Production schedules, or rates of delivery.

(ii) Sources of supply, quantities and quality of strategic or critical supplies and movements, assembly or storage of supplies or materiel.

(iii) Sabotage attempts or plant security measures.

(iv) Research and/or development contracts.

(v) First models of weapons or equipment; outstanding production achievements, or performance of weapons or equipment, or photograph; sketch or plan of any of the foregoing.

(vi) Material for shipment to allied governments.

(vii) Movement of military aircraft, including those where the actual movement order is unclassified. (The purpose of this restriction is to reduce unauthorized disclosure of aircraft deliveries, modification and conversion program.)

(viii) Movement of naval vessels, unless approved by the responsible commander.

(c) *Subcontractors.* A subcontractor involved in Army production programs

may also release procurement information under conditions set forth in § 504.31(b) and paragraph (a) of this section, provided he does not—

(1) Indicate that he is the sole supplier.

(2) Indicate the proportion of the prime contractor's requirements he provides in terms of quantity or monetary value.

(3) Disclose rates of production or delivery.

(d) *Manufacturers outside the United States.* Initial release of procurement information connected with military contracts held by a manufacturer outside the continental United States, will be made by the Department of Defense. A manufacturer or contracting agency desiring to make an initial release of procurement information will forward pertinent information concerning the contract, together with proposed release to the Chief of Public Information, ATTN: Office for the Freedom of Information, Department of the Army, Washington, D.C. 20310, for coordination and clearance with the Department of Defense, the manufacturer may release information outlined in paragraph (b) of this section.

(e) *Financial reports.* To allow manufacturers holding classified contracts to make financial reports to stockholders, stock exchanges, and others, the total companywide monetary value of backlog may be released provided that—

(1) Only the military total is used and no further breakout by individual military department or item is released.

(2) The release does not reveal the quantity or volume of individual orders.

(3) The report does not cover periods of less than 3 months.

§ 504.33 Educational institutions.

(a) *Applicability.* This section is applicable to educational institutions which receive from Department of the Army, or any component thereof, information concerning preaward negotiations, contract award, including letter contract, modification thereof, or grant, for the accomplishment of military research and development projects.

(b) *Publication of professional papers.* The release of unclassified information by educational institutions, derived from research and development contracts or grants, is encouraged.

(c) *Release guide.* (1) Subject to §§ 504.31–504.35 and if otherwise not precluded by the terms of solicitation, contract or grant, educational institutions which are awarded unclassified Army research and development contracts, including letter contracts, modifications thereof or grants, may release the following information without prior clearance by Headquarters, Department of the Army:

(i) A statement that a contract, including a letter contract, modification thereof or grant, has been received.

(ii) A general description of the work procured; for example, a new electronics system or a fabric research study.

(iii) Information of public or professional interest pertinent to research and development to be accomplished under the contract or grant.

(iv) Information previously approved for release by Department of the Army.

(2) Department of the Army agencies or educational institutions will not release procurement information regarding research and development projects performed under Army contract without proper clearance where—

(i) The contract or grant is classified.

(ii) The information pertains to research, methods, or end products that develop security classification significance in an otherwise unclassified contract or grant.

(iii) The terms of the contract or grant preclude release of the information. (When an exception to this rule is desired, the policies prescribed in § 504.31(b) are applicable.)

(d) *Release of unclassified scientific and technological information.* (1) Expeditious release of scientific and technical information should be accomplished at the lowest level. Such releases will be restricted to scientific or technological results and constitute an exception to pertinent directives including, to the extent applicable, paragraph 5n of the Industrial Security Manual for Safeguarding Classified Information (DoD 5220.22–M).

(2) Scientific or technological information will not be released locally if it—

(i) Discloses classified military applications, or unclassified military applications, disclosure of which might not be in the national interest.

(ii) Contains subject matter specifically identified by Office of the Secretary of Defense guidance as requiring OSD review prior to release § 504.8(a)(3).

(iii) Might generate national interest and, therefore, require release at the seat of government.

(iv) Is intended for public dissemination through presentation at international symposia.

§ 504.34 Other commercial entities.

(a) *Applicablity.* This section is applicable to commercial entities, such as industrial and business concerns, advertising and public relations agencies, which do not hold Army contracts or represent Army contractors, or grantees using Army themes in their public information or promotional programs.

(b) *Release guide.* Commercial entities planning to use Army themes or products in promotional materials or related matters are encouraged to submit their materials to the Chief of Public Information, Department of the Army, for appropriate review prior to publication. The following procedures apply:

(1) The originator may submit his materials to any Army installation or headquarters, or direct to the Chief of Public Information, Department of the Army (ATTN: OFOI).

(2) The installation or headquarters receiving the promotional materials will forward them through normal channels to the Chief of Public Information, Department of the Army (ATTN: OFOI).

(3) The material will be reviewed in accordance with the criteria in § 504.35(c)(2), cleared with the Department of Defense, and returned to the originator.

§ 504.35 Clearance procedures.

(a) *Applicability.* This section sets forth standard procedures for processing informational materials and amplifies instructions contained in the Department of Defense Industrial Security Manual for Safeguarding Classified Information (DoD 5220.22–M). The procedures set forth are applicable to the handling of information relating to equipment, supplies, or services procured by the Army for Army use. They are not applicable to weapons or supplies procured by the Army for use by other Government agencies; the release of information concerning such items will be covered by procedures issued by those agencies.

(b) *Definitions.* (1) The "cognizant purchasing office" for the purpose of this regulation means the Army agency which is the procuring or administrative contracting office, or both, of a particular contract or grant.

(2) "Information materials" means those materials which—

(i) Include Army themes or products or refer to equipment, weapons, or supplies in any way which are produced for the Army; and

(ii) Are intended for dissemination to the public in whole or in part by means of news releases, advertisements, pamphlets or brochures, promotional sales literature, exhibits, radio and TV commercials, and material from all other communications media.

(3) An "originator of information materials" means—

(i) A manufacturer or educational institution holding an Army contract or grant; or

(ii) An advertising or public relations agency representing an Army contractor or grantee; or

(iii) A commercial entity which is not an Army contractor, or which does not represent an Army contractor, but which uses or plans to use Army themes or products in information materials.

(c) *Procedures.* (1) Information materials will be processed as follows:

(i) The originator will submit the materials to the appropriate purchasing office.

(ii) Written materials and still photographs will be submitted in at least five legible copies. This is necessary for record purposes within the Department of Defense and Department of the Army.

(a) Technical papers and presentations will include copies of accompanying illustrations such as viewgraphs, photographs, charts, graphs, and similar material.

(b) Brochures will contain all illustrations.

(c) Advertisements will contain proposed copy and layout.

(d) Motion picture and television film commentary or story outline will be submitted for clearance in advance of recording the sound track.

(e) Photographs and transparencies will be properly captioned.

(iii) After review by the Information Officer serving the cognizant purchasing office, the materials will be forwarded to the Chief of Public Information, Department of the Army, through such channels as may be prescribed by the Commanding General, U.S. Army Materiel Command or other Army agencies which have contractural relationships with industry.

(iv) Office of the Chief of Public Information will coordinate materials within Department of the Army and with the Department of Defense and return materials through channels to the originator.

(2) Informational material will be reviewed in accordnace with the following criteria to insure that it does not—

(i) Contain factual inaccuracies;

(ii) Contain classified information or material;

(iii) Reflect adversely on Department of the Army;

(iv) State or imply Department of the Army endorsement of a commercial firm, product, or service;

(v) Compare the relative merits of a specific item of materiel with another;

(vi) Contain official Department of Defense specification details or results of acceptance tests.

(3) Installations or commands which perform a review function in connection with information materials will—

(i) Process the materials with the least practical delay and forward them to the next echelon for review, if required;

(ii) Annotate deleted portions to show reasons for deletion;

(iii) Suggest changes in wording, wherever possible, in lieu of deletion; and

(iv) Make deletions or changes only for reasons of security or accuracy; changes recommended for reasons other than security or accuracy may be appended when forwarding the material to the next echelon for review.

For the Adjutant General.

J. W. HURD,
Colonel, AGC,
Comptroller, TAGO.

[F.R. Doc. 68-1199; Filed, Jan. 31, 1968; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4350]

[Oregon 1928]

OREGON

Modification of National Forest Boundaries

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. All lands within the following described boundaries, situated in Grant County, Oreg., which now are within the Whitman National Forest, are hereby transferred to the Malheur National Forest, effective July 1, 1968, and the boundaries of the said national forests are adjusted accordingly:

WILLAMETTE MERIDIAN

All lands which lie westerly of that part of the Baker County-Grant County line that is located between Little Baldy Mountain in the SE¼SE¼ of sec. 23, T. 14 S., R. 35 E., and the point where such county line intersects the section line between secs. 8 and 17, T. 10 S., R. 35 E.

The area described contains about 282,683 acres, of which approximately 267,483 acres are national forest lands.

2. This order shall not be construed as giving a national forest status to any lands not now having such status, or as changing the status of any lands which now have a national forest status.

DAVID S. BLACK,
Under Secretary of the Interior.

JANUARY 25, 1968.

[F.R. Doc. 68-1230; Filed, Jan. 31, 1968; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-88]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Broadcast Bureau

Order. 1. Section 73.651(c) of the Commission's rules provides that the aural and visual transmitters of television stations, including noncommercial educational stations, shall not be operated separately except in certain specified types of situations. This rule has been waived in a number of cases in the past, to permit noncommercial educational stations to present music to accompany slides, films, or other visual images. Under § 0.281(ll) of the rules, adopted in November 1967, the Chief, Broadcast Bureau, is authorized to grant waivers of this rule, in these circumstances, for up to 5 hours per week.

2. The Commission has recently considered some requests for waiver of the rule for longer periods, up to 10 hours per week, and has found that the public interest would be served by the waiver. Accordingly, it appears appropirate to delegate to the Chief, Broadcast Bureau, authority to waive the rule in the case of noncommercial educational TV stations, for periods up to 10 hours per week.

3. This amendment is procedural in nature, and therefore the provisions of the Administrative Procedure Act concerning prior notice and a waiting period before the effective date do not apply. Accordingly, effective February 2, 1968, § 0.281(ll) of the Commission's rules is amended to read as follows:

§ 0.281 Authority delegated.

* * * * *

(ll) To act on requests for waiver of § 73.651(c) of this chapter, where operation under such requests will not exceed ten hours per week, to permit operation by a noncommercial educational television broadcast station of its aural transmitter to broadcast music accompanied by slides, films or other visual transmissions.

4. Authority for this amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 24, 1968.

Released: January 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-1245; Filed, Jan. 31, 1968; 8:49 a.m.]

[FCC 68-89]

PART 73—RADIO BROADCAST SERVICES

SCA Modulation Monitors

Order. 1. By Report and Order in Docket No. 15404 (3 F.C.C. 2d 719) adopted May 25, 1966, as modified by an order in RM-1138 (8 F.C.C. 2d 168) adopted May 17, 1967, §§ 73.253(a) and 73.553(a) of the Commission rules were amended to require that FM broadcast stations operating a multiplex subchannel under a Subsidiary Communications Authorization (SCA) install a type-approved SCA modulation monitor. To allow manufacturers sufficient time to obtain type-approval and produce such monitors, Note 2 following each of these sections provides for the rule to become effective on March 1, 1968.

2. As an outgrowth of several inquiries from manufacturers anticipating the submission of SCA modulation monitors for type-approval, it appears that a clarification of § 73.332(f) will facilitate the establishment of test procedures to establish compliance with this section of the rules. This can be done simply by the addition of a note to § 73.332(f)(2) and by minor changes in § 73.332(f) (4) and (5).

3. We believe it is unrealistic to expect that SCA modulation monitors can be type-approved and delivered to FM licensees by the March 1, 1968, date required for the installation of such monitors. Accordingly, we are amending Note 2 to §§ 73.253(a) and 73.553(a) to change the date on which type-approved SCA modulation monitors must be installed to January 1, 1969.

4. We find that a rule making proceeding is unnecessary in this matter,

[1] Commissioner Lee absent.

which is a clarification and relaxation of existing requirements. For the same reason, the provision of section 4 of the Administrative Procedure Act (5 U.S.C. 553) that the publication of this amendment be made not less than 30 days before the effective date thereof does not apply. Authority for the adoption of this amendment is contained in sections 4(i), 303(e) and (r) of the Communications Act of 1934, as amended.

5. *Accordingly, it is ordered*, That, effective February 6, 1968, §§ 73.253(a), 73.332(f)(2), (4), and (5), and 73.553(a) of the Commission rules and regulations are amended, as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 24, 1968.

Released: January 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.253, Note 2 to paragraph (a) is amended to read as follows:

§ 73.253 Modulation monitors.

(a) * * *

NOTE 2: The provisions of this subpart shall become effective September 1, 1967, for stereophonic modulation monitors and January 1, 1969, for SCA modulation monitors except that the licensee of any FM broadcast station who purchased and installed a stereophonic or SCA modulation monitor prior to July 5, 1966, which meets in part the requirements of §73.332 may continue to use such monitor until January 1, 1972.

* * * * *

2. Section 73.332 is amended by adding a Note at the end of paragraph (f)(2) and by amending paragraph (f) (4) and (5) to read as follows:

§ 73.332 Requirements for type approval of modulation monitors.

* * * * *

(f) * * *

(2) * * *

NOTE: Compliance with this requirement will be assumed for monitors that can meet the following test conditions:

(i) For subcarriers from 59 to 75 kc/s, one subcarrier is introduced at a level which modulates the main carrier to any percentage from 1 to 10 percent; a second subcarrier, not less than 5 kc/s removed from the first, is added at a level such that the total modulation of the main carrier by the two subcarriers is 10 percent. The modulation of the main carrier by the first subcarrier shall be indicated to an accuracy of one percent in modulation percentage. If the monitor is intended for two or more subcarriers, each subcarrier shall be indicated to an accuracy of one percent.

(ii) A sinusoidal signal in the range of 50 c/s to 53 kc/s and at a level sufficient to modulate the main carrier 90 percent is added to the two subcarriers. The indications obtained in subdivision (i) of this Note shall not change more than 0.5 percent in modulation percentage.

(iii) For subcarriers from 20 to 75 kc/s, one subcarrier is introduced at a level which modulates the main carrier to any percentage from 3 to 30 percent; a second subcarrier, not less than 5 kc/s removed from the first, is added at a level such that the total modulation of the main carrier by the two subcarriers is 30 percent. The modulation of the main carrier by the first subcarrier shall be indicated to an accuracy of one percent in modulation percentage. If the monitor is intended for two or more subcarriers, each subcarrier shall be indicated to an accuracy of one percent.

(iv) A sinusoidal signal in the range of 50 c/s to 15 kc/s and at a level sufficient to modulate the main carrier 70 percent is added to the two subcarriers. The indications obtained in subdivision (iii) of this Note shall not change more than 0.5 percent in modulation percentage.

* * * * *

(4) A means for measuring the frequency swing of each subcarrier in the presence of modulation in all channels (main, SCA and stereophonic (if applicable)) to an accuracy of 1 kc/s, under the modulation conditions specified in the application for type approval.

(5) A means for measuring the cross talk of SCA operation (20 to 75 kilocycles per second) into the main channel (50 to 15,000 cycles per second) with an accuracy of 6 decibels. The monitor's internal cross talk characteristic must be at least 66 decibels (100 percent modulation) and the monitor must be capable of indicating at least 70 decibels.

* * * * *

3. In § 73.553, Note 2 to paragraph (a) is amended to read as follows:

§ 73.553 Modulation monitors.

(a) * * *

NOTE 2: The provisions of this subpart shall become effective September 1, 1967, for stereophonic modulation monitors and January 1, 1969, for SCA modulation monitors.

* * * * *

[F.R. Doc. 68-1246; Filed, Jan. 31, 1968; 8:49 a.m.]

[1] Commissioner Lee absent.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 68-7]

PART 110—ANCHORAGE REGULATIONS

Hampton Roads, Va., and Adjacent Waters

1. The Hampton Roads Maritime Association and the Virginia State Ports authority requested that the limits of Hampton Roads Anchorages E and F and the James River Anchorage G be modified to incorporate two 1,200-foot radius circle anchorages opposite the Newport News waterfront. The Coast Guard proposed to further modify the limits of Anchorages D, E, F, G, and H to reflect the widening and deepening of the Newport News channel and the establishment of anchorages authorized by the Rivers and Harbors Act of 1965. In accordance with procedures in 33 CFR 109.20 (formerly § 209.520) a Public Notice No. 1-67, File 3171, dated April 24, 1967, was issued by the Commander, 5th Coast Guard District, Portsmouth, Va., setting forth the proposed revisions of the regulations in 33 CFR 110.168 (formerly § 202.168). This public notice was made available to all persons known to have an interest in this subject. No objections to the proposed regulation changes were received.

2. The purpose of this document is to designate deep draft anchorages near the waterfront where large vessels may anchor and not swing into the navigation fairway during certain periods of wind and tide, as well as to modify existing descriptions of anchorages and to establish new anchorages as authorized by the Rivers and Harbors Act of 1965. These amendments also include other changes so that the descriptions of the anchorages conform with a completed Corps of Engineers' channel widening and deepening project. These revised channel limits have been marked with buoys.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), the text of § 110.168 is amended by changing in paragraph (a) the introductory text of subparagraphs (4) (but not subdivisions (i) and (ii)), (5) (but not subdivision (i)), (6) (but not subdivision (i)), and (7)(i) (but not subdivisions (ii) to (x), inclusive), and by changing paragraph (b)(1) so that the text of these paragraphs shall read as follows, and these amendments shall become effective on the date of publication of this document in the FEDERAL REGISTER:

§ 110.168 Hampton Roads, Va., and adjacent waters.

(a) *Hampton Roads.* * * *

(4) *Anchorage D.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'55", longitude 76°20'31.3"; thence south to latitude 36°57'06", longitude 76°20'32"; thence to latitude 36°57'14.8", longitude 76°20'46.5"; thence to latitude 36°56'08", longitude 76°22'23"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'00", longitude 76°23'34"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to latitude 36°57'18.5", longitude 76°21'52"; thence to a point on the south side of Newport News Channel at latitude 36°57'23.8", longitude 76°22'03.8"; thence along the south side of Newport News Channel to latitude 36°57'28", longitude 76°21'11"; thence to the point of beginning.

* * * * *

(5) *Anchorage E, Newport News Middle Ground.* Beginning at a point on the south side of Newport News Channel at latitude 36°57'23.8", longitude 76°-22'03.8"; thence to latitude 36°57'18.5", longitude 76°21'52"; thence to latitude 36°56'09.5", longitude 76°23'33.5"; thence to a point on the south side of

Newport News Channel at 36°57'09.8", longitude 76°24'51.9"; thence along the south side of Newport News Channel to the point of beginning.

* * * * *

(6) *Anchorage H.* Beginning at a point west of Norfolk Harbor Channel at latitude 36°57'01.8", longitude 76°20'22.3"; thence to latitude 36°57'14.8", longitude 76°20'46.5"; thence to latitude 36°56'08", longitude 76°22'23"; thence to latitude 36°56'00", longitude 76°22'50"; thence to latitude 36°56'00", longitude 76°20'-27"; thence along the west side of Norfolk Harbor Channel to the point of beginning.

* * * * *

(7) *Anchorages for vessels carrying explosives*—(i) *Anchorage F (for shallow draft vessels).* Beginning at latitude 36°56'03", longitude 76°23'50"; thence to latitude 36°54'30", longitude 76°-23'55.5"; thence to latitude 36°54'30", longitude 76°24'59"; thence to latitude 36°56'31", longitude 76°24'50.1"; thence to latitude 36°56'31", longitude 76°24'-30.7"; thence to the point of beginning.

* * * * *

(b) *James River*—(1) *Anchorage G.* Beginning at the mouth of the river opposite Newport News, east of a line running from Barrel Point, latitude 36°54'53", longitude 76°28'51"; thence across the mouth of Batten Bay to Candy Island, latitude 36°56'18", longitude 76°29'05"; and shoreward of a line beginning at Fishing Point, latitude 36°57'50", longitude 76°29'38"; thence latitude 36°57'32.1", longitude 76°25'-56"; thence to latitude 36°58'37", longitude 76°26'41"; thence to latitude 36°-57'50", longitude 76°26'04"; thence to latitude 36°57'32.1", longitude 76°25'-40"; thence to latitude 35°57'09.8", longitude 76°24'51.9"; thence to latitude 36°56'44", longitude 76°24'18.5"; thence to latitude 36°56'44", longitude 76°25'-05.7"; thence to latitude 36°55'52.5", longitude 76°25'09.5"; thence to latitude 36°54'00", longitude 76°28'59".

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: January 30, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 68-1319; Filed, Jan. 31, 1968; 10:33 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 12]

[Bureau of Mines Schedule 19B]

SUPPLIED-AIR RESPIRATORS

Procedures for Investigation, Tests, Certification, Approval, and Fees; Correction

Several minor errors have been found in the document bearing the above title which was published in the FEDERAL REGISTER of Friday, December 22, 1967, 32 F.R. 20730. The errors and corresponding corrections are listed below. The time allowed for submitting written comments, suggestions, or objections with respect to the proposed amendment of the regulations is extended to 30 days after the date of publication of this document in the FEDERAL REGISTER.

WALTER R. HIBBARD, JR.,
Director, Bureau of Mines.

A. The sentence introducing paragraph numbered 2 should read as follows:

2. Paragraphs (a), (b), (d), (e), (f), (g), and (h) are amended to read as follows and paragraph (i) is revoked:

The proposed amendment of paragraph (h) covers the subject matter now dealt with in the present paragraph (i) of §12.4.

B. The proposed amendment of paragraph (e) of § 12.4 should read as follows:

(e) *Control-test requirements.* The application shall state how production items will be tested to maintain quality control of the respirator and its component parts. The Bureau may have its qualified representative(s) inspect the applicant's control-test methods, equipment, and records, and may interview the personnel who conduct the control tests, at all reasonable times.

C. In the proposed amendment of paragraph (h) of § 12.4, a comma should appear in the third line of subparagraph (1) after the words "Bureau personnel."

D. All of the amendments proposed are set forth in ten numbered paragraphs. The absence of a paragraph numbered 3 is due to an error in numbering the paragraphs; the third numbered paragraph was erroneously numbered "4."

E. In the eighth line of the second paragraph of the proposed amendment of paragraph (f) of § 12.5, the words "respirator-inlet covering" should be "respiratory-inlet covering."

[F.R. Doc. 68-1215; Filed, Jan. 31, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1051]

MILK IN MADISON, WIS., MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Madison, Wis., marketing area is being considered for the period of March through June 1968.

The provisions proposed to be suspended relate to the pool plant qualification. They are the words "each of", the letter "s" on "months", and the words "September through" all in § 1051.11(b). This suspension would result in § 1051.11(b) reading as follows:

§ 1051.11 Pool plant.

* * * * *

(b) A supply plant from which not less than 50 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped as fluid milk products to pool plants qualified pursuant to paragraph (a) of this section: *Provided,* That a supply plant which qualified pursuant to this paragraph during the immediately preceding month of November, shall be a pool plant for the months of March through June unless written application is filed with the market administrator on or before the first day of any such month to be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant.

* * * * *

The proposed suspension would permit supply plants to remain qualified as pool plants during March through June of 1968 if they qualified as supply plants during November 1967.

This action was requested by cooperative associations whose supply plants failed to qualify during the month of September 1967, not because of any change in their operations, but because a distributing plant to which they shipped a large volume of milk lost its status as a pool distributing plant. This distributing plant which has its primary distribution in the Madison marketing area lost its status as a pool distributing plant for 1 month.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 26, 1968.

ALEXANDER SWANTZ,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-1237; Filed, Jan. 31, 1968; 8:49 a.m.]

[7 CFR Part 1133]

[Docket No. AO 275-A17]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Wash., on July 25, 1967, pursuant to notice thereof issued on July 13, 1967 (32 F.R. 10600).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 3, 1968 (33 F.R. 289; F.R. Doc. 68-259), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues on the record of the hearing relate to:

1. Plant definition.
2. Standards for qualifying pool plants.
3. Diversion provisions.
4. Classification and pricing.

Findings and Conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Plant definition.* The plant definition should be revised to exclude a reload facility.

Currently, a reload facility can meet the definition of a "plant" under the order, and such facility can be designated a pool supply plant if it makes qualifying shipments of milk to pool distributing

plants. The Inland Empire Dairy Association proposed that the "plant" definition be revised to specifically exclude a reload point. There was no opposition to the proposal.

As used in the Inland Empire market, a reload point is primarily a facility at which milk is pumped from one tanker into another for delivery to distributing pool plants or to nonpool plants for manufacture into dairy products. The reload point has no storage or cooling facilities, which are characteristic functions of a plant facility. A reload point, as contrasted to an established plant, involves a comparatively small investment in physical facilities. Consequently, anyone wishing to exploit the pooling provisions of the order could do so at a minimum cost.

Proponents testified that defining a reload facility as a plant threatened the stability of the market. Since the amount of milk which may be diverted is directly related to the volume of producer milk received at pool plants, designating a reload point as a pool plant can increase substantially the amount which can be associated with the marketwide pool and then diverted to manufacturing plants. Under the present provision it is possible for milk acquired exclusively for manufacturing to become producer milk and share in the uniform price merely by passing through a reload point en route from the farm to the manufacturing plant.

This results in lowering the returns to those producers whose milk is regularly associated with the fluid market and on whom the market depends for a continuing and adequate supply of milk. This could lead to disorderly marketing and jeopardize the supply of milk for the market. No testimony was presented in support of continuing to define a reload point as a plant.

It is concluded that defining a reload point as a plant under the order does not contribute to orderly marketing for the area, particularly in view of the change in diversion limitations discussed below. Such a facility, therefore, should be excluded from the definition of a plant.

2. *Standards for qualifying pool plants.* The provisions for qualifying "pool distributing plants" should not be changed. The months for qualifying a pool supply plant should be revised.

(a) *Pool distributing plant.* The Inland Empire Dairy Association proposed that the in-area route distribution standards for pool distributing plants be changed to the lesser of 100,000 pounds or 10 percent of the total receipts of Grade A milk. The order now provides factors of 250,000 pounds and 20 percent. The purpose of the proposal is to regulate certain nonpool plants located in Montana and Idaho if they continue to expand Class I sales in the area.

In this connection, prior to the hearing, Class I sales had been decreasing for the market. For 1966, such sales were 1.7 percent under 1965 and for the first half of 1967 were about one percent under the first half of 1966. However, there was no testimony by interested parties that regulated handlers have lost Class I sales to the nonpool plants. Official notice is hereby taken of the monthly statistical summaries issued by the market administrator for the months of July through October 1967. They indicate that during this period, the quantity of producer milk in Class I increased about two percent over the same period of 1966.

Proponent testified that for May, June and July 1967, the two Montana nonpool plants paid $5.85 per hundredweight for milk containing 3.5 percent butterfat and used in products comparable to Class I under the order. The Inland Empire Class I prices for these months were $5.94, $5.94, and $5.97, respectively. Thus, proponent contended that the cost advantage to the nonpool handlers ranged between 9 and 12 cents per hundredweight. Proponent introduced no evidence concerning prices paid for milk by the Idaho nonpool plant.

The proposal was opposed by the operator of a Montana nonpool plant which has been a partially regulated distributing plant under the order since March 1962. It is located at Missoula, Mont., about 200 miles from Spokane, and the plant has been meeting the obligations for such plant under the terms of the order. The witness testified that if proponent's proposal were adopted, the Montana nonpool plant would be regulated by the order. About 97 percent of its Class I sales are made outside the marketing area.

In 1962–63, the Montana nonpool plant sold 3.98 percent of its producer receipts in the marketing area. For the first half of 1967, the total volume of sales distributed in the area by the nonpool plant was 15 percent greater than in the first half of 1966. However, the operator of the nonpool plant contended that this represented about 3 percent of its plant receipts. Sales have been and are confined principally to an area in Shoshone and Kootenai Counties.

The pooling qualification for a distributing plant is that the lesser of 250,000 pounds or 20 percent of its Grade A milk receipts must be distributed on routes in the marketing area during a month. The minimum factor of 250,000 pounds represented about 1.5 percent of the average monthly producer receipts for the market during the 6 months preceding the hearing. Since the nonpool plants did not qualify for pooling during this period, their distribution obviously was less than 1.5 percent of producer receipts for the market.

Class I sales disposition in the market is another way to evaluate the relationship of a nonpool plant to the market. In this connection, Class I utilization for the six months preceding the hearing averaged about 10.3 million pounds a month. One nonpool plant distributed up to 88,000 pounds of Class I milk on routes in the area for a single month. This represented about 0.85 percent of the monthly average Class I sales for the market.

This nominal distribution, both from the standpoint of producer receipts and Class I sales does not appear to have a disrupting effect on orderly marketing for the area.

Opponent contende that under prices established by the Montana Milk Control Board the plant has had little or no cost advantage over handlers regulated by the Inland Empire order. For the period March 1962 through February 1966 opponent's Class I prices were higher than those established by the Inland Empire order. No price data were introduced for the period March through December 1966. The handler witness testified that for the period January through June 1967, the Class I price at the nonpool plant averaged $5.85, which was 5 cents per hundredweight less than the average Class I price for the Inland Empire area during that period. The cost of transporting packaged milk from Missoula to the marketing area would offset any price advantage the Montana plant might have in the cost of its raw product.

It is concluded that the testimony indicates no disorderly marketing conditions which would warrant an amendment of the pooling requirements for distributing plants, as proposed. The present pooling requirements appear to be adequate under current marketing conditions. In addition, the integrity of the classification and pricing system has been safeguarded by the payment options provided for partially regulated distributing plants. The proposal to increase the pooling requirements, therefore, is denied.

(b) *Pool supply plant.* The pooling standards for supply plants should be revised to provide that a supply plant may acquire automatic pooling status based on its shipments during the months of September through November, rather than October through December.

At the present time there are no true supply plants serving the market, although as noted above, reload points have in the past been designated as such. The order, however, should continue to provide appropriate standards for designating pool supply plants, in the event such a plant might become associated with the market in the future.

The order presently provides that a supply plant to maintain pool status must ship 50 percent of its receipts to pool distributing plants during the months of October through December and 20 percent in the months of January through September. Any plant which qualifies as a pool supply plant in each of the months of October through December retains its pool status during the following months of January through September unless it notifies the market administrator that it desires that its pool status be terminated.

Since the original provisions became effective there has been a shift in the seasonal pattern of production on the market.

The months of September through November are normally the months when production is lowest in relation to Class I sales. During the period September through November 1966, the proportion of producer milk used in Class I averaged

70 percent. During the preceding December through August period, the proportion of producer milk used in Class I was 66 percent. Although this does not indicate a wide difference between the two periods, nevertheless, the difference is sufficiently significant to warrant changing the qualifying period to September through November, from the present October through December period.

The seasonal requirements provided herein for a supply plant which might become associated with the market are appropriate in view of the seasonal changes in production which normally occur. The provisions provided herein are deemed to provide reasonable and appropriate measure as to whether a plant would be sufficiently identified with the market without, at the same time, excluding from pool participation handlers whose plants were not regular and dependable sources of fluid milk supply for the market.

3. *Diversion provisions.* The producer milk definition should be amended to increase the percentage of milk which may be diverted and pooled. Of the total producer milk received at pool plants or diverted to nonpool plants the amount permitted to be diverted and pooled should be increased to 50 percent for the months of April through August, 30 percent for December through March and 20 percent for the remaining months.

The provisions of the present order which permit two or more cooperative associations to have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation should be continued. If this practice is followed, the diversion provisions provided herein should be adequate to cover the needs of the market at all times of the year.

The order presently provides that diverted milk may be pooled in an amount limited to 15 percent of the total producer milk delivered to pool plants or diverted to nonpool plants in each of the months of September through November, 25 percent for December through March, and August and 30 percent during April through July.

The Spokane Milk Producers proposed that the total quantity of diverted milk eligible for pooling in any month be changed to a quantity equal to the amount of milk delivered directly from the farm to a pool distributing plant. The association stated it was necessary that they be able to divert greater amounts of milk than may be diverted under the present provisions. Production for the market has increased faster than Class I sales and proponent is diverting an increasing proportion of producer receipts to nonpool plants for manufacturing.

A steady and continuing increase in production has occurred in recent years. For December 1966, production was about 8 percent above the same month a year ago, and for January 1967, was 7.2 percent higher than January 1966. For 1966, production was about 4 percent over 1965, and for the first half of 1967 was 4.4 percent over the first half of 1966.

Milk production by members of the Spokane Milk Producers Association has increased faster than for other producers supplying the market. For 1966, the members of the association produced 6.2 percent more milk than in 1965, and 10.2 percent more for the first half of 1967 then during the first half of 1966. For December 1966, member production was about 13.2 percent over the same month the previous year, and 14 percent higher for March 1967 than for March 1966.

For the market as a whole, about 40 million pounds of producer milk was utilized in Class III during 1966. This represented about 21 percent of total producer receipts. For the first half of 1967, about 24.6 million pounds were so utilized as compared with 19.8 million pounds during the first half of 1966.

Accompanying the production increase has been increased movements of bulk milk to nonpool plants for Class III use, principally by diversion. In 1965, 16.9 million pounds of milk were so moved. This increased to 26.6 million pounds for 1966. For the first half of 1967, about 19.6 million pounds of milk were moved to nonpool plants for Class III use compared with 13.4 million pounds for the same period a year ago.

There are no manufacturing facilities in the marketing area which are available for processing substantial quantities of reserve supplies of milk. Consequently, the association has had to market reserve milk to manufacturing plants some distance from the market, such as Tillamook, Oreg., and Caldwell, Idaho, which are about 300 and 370 miles, respectively, from Spokane. In order to assure producer status for its members who have regularly supplied the market, the association has had to make uneconomic movements of milk to pool plants. Milk that otherwise would have been transported directly from the farm to manufacturing plants had to be transported at additional expense to a pool distributing plant to qualify for diversion. Then, the remainder of it was moved from the pool plant to a nonpool manufacturing plant. The proposal is aimed at eliminating this.

It is evident from the percentage of milk which was diverted during the past year and for the first half of 1967, that the present diversions permitted by the order are no longer adequate in any month of the year. Therefore, the diversion percentage should be increased as provided herein. No testimony was received at the hearing in opposition to increasing the percentage of producer milk which may be diverted.

The order should continue to provide seasonal variation in the amount of milk which may be diverted. The marketing data introduced in evidence indicate that the change provided herein appropriately reflects the varying need to divert milk during different months of the year.

The month of August should be included in the period of maximum diversion because it is now more appropriately associated with those months with respect to the need to divert milk. For the period April through July proponent diverted an average of 25 percent of its member milk in 1965, and 43.9 percent for 1966. For the month of August, in those years, 26 percent and 40 percent, respectively, were diverted. A similar pattern is developing currently. Thus, the month of August appropriately may be included in the period of maximum allowable diversion.

4. *Classification and pricing.* The notice of hearing included proposals to revise the classification and pricing provisions of the order. No testimony was introduced either for or against the proposals, and the record contains no evidence that disorderly marketing conditions exist with respect to these provisions. Consequently, no change is provided herein concerning the classification and pricing provisions of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof; will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing

agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed in opposition to the recommended decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Inland Empire Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of July 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Inland Empire marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on January 26, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1133.7 is revised to read as follows:

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products. However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

2. In § 1133.8, paragraph (b) is revised to read as follows:

§ 1133.8 Pool plant.

* * * * *

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded more than 50 percent of such receipts for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

* * * * *

3. In § 1133.12, paragraphs (c) (1) and (2) are revised to read as follows:

§ 1133.12 Producer milk.

* * * * *

(c) * * *

(1) A cooperative association may divert for its account, under paragraph (b) (1) of this section, the milk of any member producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of its total member milk received at all pool plants or diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account under paragraph (a) (2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk under subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of the milk received at or diverted from such pool plant during the month from producers who are not members of a cooperative association which diverts milk under subparagraph (1) of this paragraph;

* * * * *

[F.R. Doc. 68-1238; Filed, Jan. 31, 1968; 8:49 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 144]

CARBARSONE AND ANTIBIOTICS IN POULTRY FEED

Proposed Revocation of Exemption From Certification Requirements

On the basis of grounds set forth in a notice of opportunity for hearing regarding carbarsone and antibiotics published elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs proposes to revoke the exemption (21 CFR 144.26(b)(28)) of poultry feed containing carbarsone and antibiotics from certification requirements.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner (21 CFR 2.120), it is proposed that § 144.26

Animal feed containing certifiable antibiotic drugs be amended in paragraph (b) by revoking subparagraph (28).

Any interested person may file, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 24, 1968.

J. K. KIRK,
Associate Commissioner, for Compliance.

[F.R. Doc. 68-1208; Filed, Jan. 31, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 17975; FCC 68-74]

INTRASTATE AND INTERSTATE OPERATIONS OF TELEPHONE COMPANIES

Procedures for Separating and Allocating Plant Investment, Operating Expenses, Taxes, and Reserves

1. In its interim decision and order in Docket No. 16258, issued July 5, 1967, the Commission prescribed certain methods for separating telephone plant, as well as associated reserves, expenses and taxes, among the various jurisdictions, interstate and intrastate. After considering various petitions for reconsideration, the Commission on September 14, 1967, issued its memorandum opinion and order on reconsideration, which, insofar as jurisdictional separations are concerned, stayed the effect of its prescribed plan until December 1, 1967, and reconstituted the so-called Technical Experts Group to consider "improvements or refinements" which might be made in the prescribed plan. The Technical Experts Group was instructed to report the results of its deliberations no later than November 15, 1967. Such a report was, in fact, submitted on November 15.

2. By memorandum opinion and order issued concurrently herewith, the Commission adopted its aforementioned plan for the purpose of determining the revenue requirements of the Bell System for its interstate operations. The Commission, however, did not prescribe its plan pursuant to the provisions of sections 221(c) and (d) of the Communications Act of 1934, as amended. Instead, the Commission indicated that it would proceed by way of a separate rule making proceeding to prescribe separations methods pursuant to the above-mentioned sections 221(c) and (d). This notice is being issued accordingly.

3. The Commission will consider the plan adopted in Docket No. 16258, and in this connection paragraphs 240 through 322 of our interim decision and order of July 5, 1967, in Docket No. 16528 and paragraphs 47 through 61 of our memorandum opinion and order on reconsideration in that proceeding are incorporated herein by reference. Further, we will consider all of the proposals and suggestions, including all parts thereof, contained in the report of the Technical Experts Group which is attached hereto as an appendix.[1] We will also consider any other reasonable plans which may be proposed as a result of this proceeding. In addition, all parties are requested to address themselves separately to the merits of each component of the separations plan (i) adopted by the Commission in Docket No. 16258 and (ii) proposed by individual parties in the report of the Technical Experts Group, including the plan identified therein as the suggestion of the Commission's staff. Thus, for example, we expect each party to comment on the relative merits of the 200 percent additive factor for the allocation of subscriber line exchange plant as contemplated by our interim decision of July 5, 1967 and any proposed modification thereof. In the case of interexchange circuit plant, comments are requested on the comparative merits of retaining or eliminating the averaging of terminating plant costs as provided in the Modified Pheonix Plan. Similar detailed treatment should be given with respect to any other plans proposed. In submitting their comments herein parties may rely on any factual material of record in Docket No. 16258. When doing so, they should give the record citation.

4. This notice of proposed rule making is issued under authority of sections 4 (i), 221(c), and 221(d) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 26, 1968, and reply comments on or before March 12, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: January 24, 1968.

Released: January 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-1248; Filed, Jan. 31, 1968; 8:49 a.m.]

[1] Appendices filed as part of the original document.

[2] Commissioner Cox concurring in the result; dissenting statement of Commissioner Johnson filed as part of original document.

[47 CFR Part 73]

[Docket No. 17873; RM-320]

STANDARD BROADCAST STATIONS OPERATED BY REMOTE CONTROL

Transmission of Telemetry Signals Directly Related to Technical Operation; Order Extending Time for Filing Comments and Reply Comments

1. The notice of proposed rule making in the above-styled matter, adopted November 15, 1967, set dates of December 26, 1967, and January 5, 1968, as the deadlines for receiving comments and reply comments, respectively.

2. On December 21, 1967, responding to a petition filed by WGN Continental Broadcasting Co., the Commission issued an order extending the times for filing comments and reply comments to January 25, 1968, and February 5, 1968.

3. Subsequently, however, three other requests for extensions of time were received, from Collins Radio Co., to a date not earlier than February 15, 1968, and from Gates Radio Co. and the Radio Corporation of America, each asking for an extension of 3 months. All of these companies, manufacturers of broadcasting transmitters and monitoring equipment, indicated the additional times requested would permit them to conduct studies and measurements of the compatibility of the proposed telemetry system with the equipment which they manufacture.

4. Rather than rescind the December 21 order to permit consideration of these other requests, the Commission determined to let the authorized 30-day extension run its course, and at the end of that time, on its own motion, to consider a further extension to encompass the periods contemplated in these requests.

5. That time is now at hand. It is in the public interest to obtain the maximum amount of information on the performance of transmitters and monitors utilized in connection with the telemetry system contemplated in this proceeding. We, therefore, will extend the deadlines for filing comments and reply comments for an additional 2 months, to the full period specified in the original Gates and RCA petitions, which will include the period requested by Collins.

6. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended from January 25, 1968, to March 25, 1968, and the time for filing reply comments is extended from February 5, 1968, to April 5, 1968.

7. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: January 25, 1968.

Released: January 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-1247; Filed, Jan. 31, 1968; 8:49 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 561]

[21,367]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Insured Loans

JANUARY 25, 1968.

Resolved that, for the purpose of including federally insured student loans within the definition of the term "insured loan" now contained in § 561.20 of the rules and regulations for Insurance of Accounts (12 CFR 561.20), it is hereby proposed that said § 561.20 be amended by revising it to read as follows:

§ 561.20 Insured loan.

The term "insured loan" means a loan which is insured, in whole or in part, or as to which the mortgagee is insured, in whole or in part, or as to which a commitment for any such insurance has been made under the provisions of the National Housing Act or the Servicemen's Readjustment Act of 1944, or chapter 37 of title 38, United States Code, as now or hereafter amended. Such term also means a loan which is insured by the U.S. Commissioner of Education under Part B of Title IV of the Higher Education Act of 1965 or under the National Vocational Student Loan Insurance Act of 1965, as now or hereafter amended.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by March 4, 1968, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 68–1256; Filed, Jan. 31, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of Plat of Survey

JANUARY 25, 1968.

1. The plat of survey of the lands described below will be officially filed in the Land Office, Sacramento, Calif., effective at 10 a.m., March 8, 1968.

HUMBOLDT MERIDIAN

T. 7 N., R. 4 E.,
Sec. 8, lot 1;
Sec. 10, lots 8 and 9;
Sec. 11, lots 9 to 15, inclusive;
Sec. 12, lots 2, 10 to 17, inclusive, and SE¼;
Sec. 13, lots 1 to 8, inclusive, NE¼, and SW¼;
Sec. 14, lots 1 to 5, inclusive, SW¼NE¼, S½NW¼, and S½;
Sec. 15, lots 4 to 8, inclusive, W½NE¼, SE¼NE¼, and S½;
Sec. 16, lots 1 to 4, inclusive, SE¼NE¼, and S½;
Sec. 17, lots 11 to 16, inclusive, NW¼SW¼, and S½S½;
Secs. 20 to 23, inclusive;
Sec. 24, lots 1 to 8, inclusive, SE¼NE¼, NW¼, W½SW¼, and NE¼SE¼;
Sec. 25, lots 1 to 14, inclusive, NE¼NE¼, and SW¼SW¼;
Secs. 26 to 29, inclusive;
Sec. 33;
Sec. 34, lots 1 to 8, inclusive, N½N½, SE¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, S½N½NW¼SE¼, and N½S½NW¼SE¼;
Sec. 35, lots 1 to 4, inclusive, NE¼NE¼, S½N½, NW¼NW¼, E½SW¼, SE¼NW¼SW¼, E½SW¼SW¼, and SE¼;
Sec. 36;
Tract 38.

2. The area surveyed, Tract 38, contains 149.58 acres; the area resurveyed aggregates 12,140.29 acres.

3. All the unappropriated vacant land above described is within the Six Rivers National Forest and is therefore not subject to disposition under the public land laws generally by reason of the official filing of the plat of survey.

4. Inquiries concerning these lands shall be addressed to the Land Office, Bureau of Land Management, 4201 U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

JOHN E. CLUTE,
Chief,
Branch of Title and Records.

[F.R. Doc. 68-1213; Filed, Jan. 31, 1968; 8:47 a.m.]

[Sacramento 048846]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Restoration of Lands; Correction

JANUARY 25, 1968.

F.R. Doc. 68-389 appearing at page 419 of the issue for Thursday, January 11, 1968, for serial Sacramento 048846, under lands to be terminated from the proposed withdrawal for the Lower Klamath National Wildlife Refuge, is hereby corrected for T. 48 N., R. 3 E., sec. 22, to read:

MOUNT DIABLO MERIDIAN

T. 48 N., R. 3 E.,
Sec. 22, lots 4, 5, and 6, W½NW¼, and NW¼SW¼.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68-1214; Filed, Jan. 31, 1968; 8:47 a.m.]

[Serial No. U-3484]

UTAH

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. section 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including mining and mineral leasing laws. As used herein, "Public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those lands administered by the Bureau of Land Management, located in south central Wayne County, eastern Garfield County and the extreme northeastern tip of Kane County, and further described as follows:

Beginning at a point where the Fremont River intersects the Dirty Devil River, said point being located near the west quarter corner of sec. 2, T. 28 S., R. 11 E., SLM; thence southeasterly following the Dirty Devil River downstream to its confluence with the Colorado River; thence southwesterly following the Colorado River to a point near the southwest corner of sec. 31, T. 38 S., R. 11 E.; thence northwesterly along the Waterpocket Fold, which is the boundary between Richfield and Kanab BLM districts to the southeast corner of sec. 21, T. 32 S., R. 7 E.; thence west to Dixie National Forest boundary; thence north to the northwest corner of sec. 6, T. 31 S., R. 7 E.; thence east, northerly, and northwesterly following the eastern boundary of Capitol Reef National Monument to a point on the Fremont River, said point being located near the southwest corner of sec. 16, T. 29 S., R. 7 E.; thence following down the Fremont River to point of beginning.

The area described aggregates approximately 1,068,964 acres of public domain land.

3. The record and maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's district office at Richfield, and the state office, Federal Building, Salt Lake City, Utah.

4. Several comments were received following publication of the notice of proposed classification (32 F.R. 7638), or at the public hearing held at Loa, Utah, December 14, 1967. Most of the comments were favorable. All comments were carefully considered and no changes were deemed necessary.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested persons may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 68-1212; Filed, Jan. 31, 1968; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. Sub-B-15]

BOAT PAT-SAN-MARIE, INC.

Notice of Hearing

JANUARY 25, 1968.

Boat Pat-San-Marie, Inc., has applied for permission to transfer the operations of the 100-foot length overall fishing vessel "Pat-San-Marie," constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for scallops, groundfish, and flounder, to the fishery for scallops, groundfish, flounder, and herring.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on March 7, 1968, at 10 a.m., e.s.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the

event of such a change along with the new location.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-1211; Filed, Jan. 31, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

MARYLAND TOBACCO

Notice of Referendum

Notice is hereby given that on February 19 to 23, 1968, each inclusive, a referendum will be held of farmers engaged in the production of 1967 crop Maryland tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot was given in 32 F.R. 16043. No data, views, or recommendations were received pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot during the period specified above. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1968–69, 1969–70, and 1970–71 marketing years for Maryland tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended (28 F.R. 13249).

Signed at Washington, D.C., on January 24, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-1251; Filed, Jan. 31, 1968; 8:50 a.m.]

BURLEY TOBACCO

Notice of Referendum

Notice is hereby given that on February 26 to March 1, 1968, each inclusive, a referendum will be held of farmers engaged in the production of the 1967 crop of Burley tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot was given in 32 F.R. 16043. Views and recommendations were received and considered pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1968–69, 1969–70, and 1970–71 marketing years for Burley tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249).

Signed at Washington, D.C., on January 30, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-1293; Filed, Jan. 31, 1968; 8:50 a.m.]

VIRGINIA SUN-CURED TOBACCO

Notice of Referendum

Notice is hereby given that during the period February 26, to March 1, 1968, each inclusive, a referendum will be held of farmers engaged in the production of 1967 Virginia sun-cured tobacco, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). Notice that consideration would be given to establishing the date or period for holding the referendum and whether the referendum would be conducted at polling places rather than by mail ballot was given in 32 F.R. 16043. Views and recommendations were received and considered pursuant to such notice. It is hereby determined that the referendum will be held by mail ballot rather than at polling places. The purpose of the referendum is to determine whether the farmers voting favor a national marketing quota for each of the 1968–69, 1969–70, and 1970–71 marketing years for Virginia sun-cured tobacco. The referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (28 F.R. 13249).

Signed at Washington, D.C., on January 30, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-1294; Filed, Jan. 31, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AGRICULTURAL RESEARCH SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00117-33-11700. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Eastern Utilization Research and Development Division, 600 East Mermaid Lane, Philadelphia, Pa. 10118. Article: Automatic Smoking Machine. Manufacturer: Heinrich Borgwaldt, West Germany. Intended use of article: Complete elucidation of chemical composition of cigarette smoke condensate in large volumes. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a device for simulating human cigarette smoking patterns. It can be programed to produce smoke in quantities varying from 100 to 1,000 grams, in connection with research into the chemical composition of smoke.

The Department of Commerce knows of no instrument or apparatus with these characteristics, which is being manufactured in the United States and is of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1187; Filed, Jan. 31, 1968; 8:45 a.m.]

ATTENDING STAFF ASSOCIATION OF LOS ANGELES COUNTY GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00192-33-46040. Applicant: Attending Staff Association of the Los Angeles County General Hospital, Department of Pathology, 1200 North State Street, Los Angeles, Calif. 90033.

Article: Electron Microscope, Model HS–7S. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Investigation of ultrastructure of lymphocytes and malignant lymphomas in a hematopathology training program. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reason: The foreign article provides accelerating voltages of 25 and 50 kilovolts, whereas the only known comparable domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA) provides accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained specimens. For the purposes for which the foreign article is intended to be used, the lower accelerating voltage is pertinent.

For the foregoing reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–1193; Filed, Jan. 31, 1968; 8:46 a.m.]

AUBURN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00190–33–46040. Applicant: Auburn University, Auburn, Alabama 36830. Article: Electron Microscope EM 300. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: Biological research and some metallurgical studies in several areas as listed in the body of the application. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known comparable domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities provided by the article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purpose for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–1192; Filed, Jan. 31, 1968; 8:45 a.m.]

BROOKHAVEN NATIONAL LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00166–75–65600. Applicant: Brookhaven National Laboratory, Associated Universities, Inc., Upton, Long Island, N.Y. 11973. Article: 800-Kilovolt Direct Current High Voltage Power Supply. Manufacturer: Emile Haefely & Co., Ltd., Switzerland. Intended use of article: Applicant states:

> The direct current high voltage power supply will be used as the preinjector which will provide 750 kev particles (protons) available to a 200 mev linear accelerator. This accelerator will accelerate these particles and inject them into a 30 bev synchrotron ring.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: Applicant institution requires for its purposes a voltage power supply for the preinjection of protons, which has a 800-kilovolt capability and, at the same time, produces no more than a 300 volt peak to peak ripple. We have been advised by the National Bureau of Standards in its memorandum dated December 18, 1967, that there is no known domestic source for a voltage supply meeting these specifications which are considered pertinent to the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–1191; Filed, Jan. 31, 1968; 8:45 a.m.]

CEDARS RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00116–33–85700. Applicant: Cedars Research Institute, 4751 Fountain Avenue, Los Angeles, Calif. 90029. Article: Vascular Suturing Instrument and accessory equipment, type No. 5426C20–1. Manufacturer: De Havilland Aircraft of Canada, Ltd., Canada. Intended use of article: Applicant states:

> The Vogelfanger Vascular Suturing Instrument is being used for the stapling or anastomosis of vessels in research animals along with everting techniques made possible by this kit.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article incorporates an everting mechanism which doubles the blood vessel back on itself in order to facilitate certain suturing techniques. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 27, 1967, that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that there is no comparable domestic vascular suturing apparatus which incorporate an everting mechanism.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1196; Filed, Jan. 31, 1968; 8:46 a.m.]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00132-00-46040. Applicant: Columbia University, Purchasing Department, 515 Dodge, New York, N.Y. 10027. Article: External measuring voltage divider for the electron microscope. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states: "modification of Siemens Electron Microscope." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a component of an electron microscope in the possession of the applicant. Such components must be specially designed to fit the original equipment and are only available from the manufacturer of the original equipment. The Department of Commerce knows of no similar components being manufactured in the United States, which are interchangeable with the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1188; Filed, Jan. 31, 1968; 8:45 a.m.]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00133-00-46040. Applicant: Columbia University, Purchasing Department, 515 Dodge, New York, N.Y. 10027. Article: External measuring voltage divider for the electron microscope. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: Applicant states: "modification of Siemens Electron Microscope." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a component of an electron microscope in the possession of the applicant. Such components must be specially designed to fit the original equipment and are only available from the manufacturer of the original equipment. The Department of Commerce knows of no similar components being manufactured in the United States, which are interchangeable with the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1190; Filed, Jan. 31, 1968; 8:45 a.m.]

ILLINOIS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00034-01-77030. Applicant: Illinois State University, Normal, Ill. 61761. Article: Nuclear Magnetic Resonance Spectrometer. Manufacturer: Hitachi Limited, Japan. Intended use of article: Low temperature studies of small chemical shift temperature coefficients, thermodynamic and kinetic studies of conformational changes, to be routinely operated by undergraduate students. Comments: Comments have been received from one domestic manufacturer, Varian Associates (Varian), which alleges inter alia that "a NMR [Nuclear Magnetic Resonance] spectrometer of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a sample temperature range from minus 100° Centigrade to plus 200° Centigrade. (See specifications for Hitachi Perkin-Elmer Model R-20 High Resolution Nuclear Magnetic Resonance Spectrometer.) The Varian Model HA-60IL-HR-60 has a temperature range from minus 60° Centigrade to plus 200° Centigrade. (Varian brochure V4341 and V4341-1.) We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Sept. 28, 1967) that, in view of the purposes for which the foreign article is intended to be used, the difference in temperature range is significant. (2) The foreign article provides a means for controlling the temperature within plus or minus 0.5° Centigrade, whereas the Varian Model HA-60IL-HR-60 provides a means for controlling the temperature within plus or minus 1° Centigrade. We

are advised by the National Bureau of Standards (memorandum dated Oct. 20, 1967) that "the difference between ±1.0° C. and ±0.5° C. is such as to affect significantly the capability to perform certain experiments.

For the foregoing reasons, we find that the Varian Model HA–60IL–HR–60 is not of equivalent scientific value to the foreign article for the purpose for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–1197; Filed, Jan. 31, 1968; 8:46 a.m.]

LOVELACE FOUNDATION FOR MEDICAL EDUCATION AND RESEARCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00203–33–46040. Applicant: Lovelace Foundation for Medical Education and Research, 5200 Gibson Boulevard SE., Albuquerque, N. Mex. 87108. Article: Electron Microscope, Model HU–11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a research program directed toward developing an improved understanding of the long-term effects of inhaled fission product radionuclides administered singly or in varied mixtures in dosages sublethal but calculated to reduce life span by accelerating aging processes, altering metabolic pathways, the generation of leukemias and local neoplasms, and the induction of atrophies and fibrosis as a result of special localizations of the inhaled radionuclides. Electron microscopy will be directed toward changes in fine structure of the lungs and of the liver where high isotope concentrations are found during the elimination process. The instrument will also be used for a number of non-anatomical studies as shown in the application. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU–4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU–4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, it is necessary to obtain optimum contrast and, therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–1198; Filed, Jan. 31, 1968; 8:46 a.m.]

NATIONAL COMMUNICABLE DISEASE CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00097–33–11000. Applicant: Toxicology Laboratory Pesticides Program, National Communicable Disease Center, PHS, USDHEW, 1600 Clifton Road NE., Atlanta, Ga. 30333. Article: Gas Chromatograph-Mass Spectrometer with accessories: Direct Inlet System, Tool and Spare Parts Kit. Manufacturer: LKB-Produkter AB, Sweden. Intended use of article: Analytical chemical studies relating to the health aspects of pesticides. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. Reasons: The foreign article is a unit in which are functionally integrated a gas chromatograph, a mass spectrometer, and a separator for removing the substance under investigation from its carrier gas prior to injection into the inlet of the mass spectrometer. At the time the applicant placed its order for the foreign article, there was no domestic manufacturer offering to supply a comparable unit in which the gas chromatograph, separator and mass spectrometer were fully integrated. Some domestic manufacturers of mass spectrometers could furnish this portion of the unit, and a separator device and gas chromatograph which are not of their own manufacture. However, no evidence has been offered to indicate that such combinations were designed, or had been tested, for operation as a single unit. Section 602.1 (e) of the regulations issued pursuant to the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) provides:

> The determination of scientific equivalency between a foreign instrument and a domestic instrument shall be based on comparisons of the pertinent characteristics and pertinent specifications of the foreign instrument with the similar pertinent characteristics and pertinent specifications of the domestic instrument. If such comparisons show that at least one domestic instrument or a reasonable combination of domestic instruments does possess all the pertinent characteristics and pertinent specifications of the foreign instrument, the Administrator shall find that scientific equivalency does exist * * *.

The phrase "reasonable combination of domestic instruments" was intended to be construed in a reasonably narrow manner to include only combinations which would under normal commercial practice and usage generally be considered as a unit. The phrase is thus construed because the operative language of the statute and the explanatory language of the Committee Reports both speak in terms of comparisons of single instruments with other single instruments. (See House Report No. 1779, House Committee on Ways and Means, 89th Congress, 2d session and Senate Report No. 1678, 89th Congress, 2d session.) We are aware of no evidence to support a contention that any combination of instruments of domestic manufacture would under normal commercial practice and usage generally be considered as a unit. Accordingly, we find that the separate instruments offered by domestic manufacturers are not a

"reasonable combination" within the context of the regulations cited above.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the applicant placed its order for the foreign article.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1185; Filed, Jan. 31, 1968; 8:45 a.m.]

SOUTHERN ARIZONA MENTAL HEALTH CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00256-33-90000. Applicant: Southern Arizona Mental Health Center, 1930 East Sixth Street, Tucson, Ariz. 85719. Article: Faradic stimulator, a battery-operated box used to introduce Faradic stimulation to a person's wrist. Manufacturer: Department of Psychology, Maudsley Institute of Psychiatry, United Kingdom. Intended use of article: The article will be used as research equipment for experimental conditioning treatments (which are in the development stage) and to serve as a prototype. It will also be used for educational purposes in the instruction of the applicant institution's staff and graduate student externs from the University of Arizona, to familiarize them with the experimental treatments (for addictions and fetishism). Application received by Commissioner of Customs: December 4, 1967.

Docket No. 68-00257-33-84900. Applicant: New England Medical Center Hospitals, 171 Harrison Avenue, Boston, Mass. 02111. Article: Vacuum Evaporator Model JEE-4B with Rotating, Tilting Stage Model JEE-RTS. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of Article: Applicant states:

> The purpose of this equipment is to prepare biological samples for a new type of electron microscopy, namely scanning electron microscopy. In this application it is important to get a uniform thin layer of coating material over a sample which is not flat. It is important to get the coating on uniformly, independently of the angle the sample makes with the surface on which the sample may be placed. In order to accomplish this, it is necessary to rotate the sample during the preparation of the coating with respect to one axis and to tilt it as well. * * *

Application received by Commissioner of Customs: December 4, 1967.

Docket No. 68-00258-33-46040. Applicant: Michigan State University, East Lansing, Mich. 48823. Article: Electron Microscope, Model EM 300 with Decontamination Device, 35-mm. Film Holder and transport mechanism, 70-mm. film holder and Desiccator. Manufacturer: N. V. Philips, The Netherlands. Intended use of article: The article will be used for biological research to examine various negatively stained specimens and to determine specific subcellular relationships as shown in the application. Application received by Commissioner of Customs: December 4, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1186; Filed, Jan. 31, 1968; 8:45 a.m.]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00127-33-46040. Applicant: University of Colorado, Medical Center, 4200 East Ninth Avenue, Denver, Colo. 80220. Article: Electron Microscope, Norelco Model EM 200 with Decontamination Device. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used for basic research of fine structure in the areas of: photoreceptors of vertebrate and invertebrate eyes; contractile proteins of muscle; various types of pigment cells; and studies of the reproduction of various types of virus. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides accelerating voltages of 40, 60, 80 and 100 kilovolts, whereas the only known comparable domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation America (RCA) provides only accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1184; Filed, Jan. 31, 1968; 8:45 a.m.]

UNIVERSITY OF KENTUCKY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00191-33-90000. Applicant: The University of Kentucky Medical Center, 800 Rose Street, Lexington,

Ky. 40506. Article: Pneumotaxic Guide. Manufactured: Preci-Tool Ltd., Canada. Intended use of article: Applicant states: "Operations on patients with movement disorders." In an attached letter the applicant further explains,

> This is an instrument for accurate placement of lesions deep within the brain of patients afflicted with Parkinsonism, intractable pain of epilepsy. * * * It consists of a frame in which the patient's head is positioned, precisely oriented to midline markers. Attached to the frame is a superstructure used to carry electrodes which stimulate selected targets and later destroy them. The reference grid on the instrument is used to orient the target within the patient's brain to the central X-ray beam. This instrument provides a unique system for superimposing the proposed lesion maker over the target without actually putting the lesion maker in the brain substance. After this initial orientation the probe is then guided into the brain and its final position checked by physiologic means.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a highly specialized device intended to be used in connection with neurosurgical research. Such devices are as a rule custom-made to the specifications of the purchaser. The manufacturer of the foreign article offers an integrated unit of matched components and subassemblies, which are uniquely designed for integral operation.

The applicant, before ordering the foreign article, considered the Model 172 Cooper Basal Ganglia Guide manufactured by Invengineering, Inc., the Todd-Wells Stereotaxic Guide manufactured by Codman and Shurtleff, Inc., and the stereotaxic apparatus designed by W. W. McKinney. None of these offered the capability of positioning the lesion maker outside of the patient's brain, prior to beginning the penetration; nor the capability of providing entry into the brain that is always precisely parallel to the midline. We are advised by the Department of Health, Education, and Welfare (memorandum dated Dec. 27, 1967), that the applicant is correct in claiming that no domestic supplier offers an instrument of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1189; Filed, Jan. 31, 1968; 8:45 a.m.]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00104-33-46040. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Electron Microscope, HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Study of chromosome structure and behavior to elucidate mechanisms of chromosome distribution in normal and abnormal cell division. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the RCA Model EMU-4 provides only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage provides optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, it is necessary to obtain optimum contrast and, therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Dircctor, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68-1195; Filed, Jan. 31, 1968; 8:46 a.m.]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00194-33-46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98105. Article: Electron Microscope, Model EM 300, with Anticontamination Device and Desiccator. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: Applicant states:

> * * * Present projects requiring the highest resolution available in any electron microscope include studies of amyloid fibers by negative staining procedures and shadowing procedures, as well as studies of morphologic variations of elementary particles of mitochondrial membranes after negative staining procedures. Present projects which require large numbers of low magnification, low distortion, high resolution pictures include comparative studies of renal ultrastructure, studies of various disease tissues, of experimentally altered tissues, or of autoradiographic studies in which large areas of tissue must be examined. * * * Other present projects include various histochemical studies of mucopolysaccharides and enzymes in tissue sections which require the use of unstained preparations.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a resolution of 5 Angstroms. The only known comparable domestic electron microscope, the Model EMU-4 manufactured by the Radio Corporation of America (RCA), provides a resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities provided

by the article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provides only accelerating voltages of 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages provide optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages are pertinent.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–1194; Filed, Jan. 31, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–109; NDA 10–285V]

WHITMOYER LABORATORIES, INC.

Carbarsone, Low-Level Antibiotics; Notice of Opportunity for Hearing

Notice is given to the Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order (1) under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of that part of new-drug application No. 10–285V which provides for the use of carbarsone in the feed of chickens and (2) under the provisions of section 507 of the Act (21 U.S.C. 357) revoking the exemption from certification of poultry feed containing carbarsone and antibiotics (21 CFR 144.26(b)(28)), on the grounds that:

1. Data were submitted in the form of a food additive petition proposing the establishment of a food additive regulation for use of carbarsone in feed for chickens and turkeys.

2. Since this data was found to be inadequate to show that the drug is effective for the proposed use in chickens, the petition was filed solely for use of the drug in turkey feed at 0.0375 percent as an aid in the prevention of blackhead.

3. Based upon the filed petition, an order is published elsewhere in this issue of the FEDERAL REGISTER promulgating a food additive regulation (21 CFR 121.310) providing for the use of carbarsone in feed at the level of 0.0375 percent for use as an aid in prevention of blackhead in turkeys.

4. On the basis of the foregoing, it is established that data are inadequate to show that the drug carbarsone is effective for use (a) in chicken feed when incorporated therein alone or in combination with antibiotics and (b) in turkey feed in amounts and under conditions of use other than those established by the aforementioned food additive regulation (21 CFR 121.310).

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 10–285V with respect to carbarsone in chicken feed should not be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process that the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, as amended; 21 U.S.C. 355), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: January 24, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–1210; Filed, Jan. 31, 1968; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order No. E–26287]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 26, 1968.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 4, 1968, as set forth in the attachment hereto,[1] (1) names rates under one new commodity description, (2) names additional rates under existing commodity descriptions, (3) cancels one rate which the carriers found unproductive, and (4) extends the validity of presently effective specific commodity rates. The rates proposed reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 19703, R–57 through R–69, be approved; however, this approval shall not constitute acceptance of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[1] Agreement filed as part of original document.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-1254; Filed, Jan. 31, 1968; 8:50 a.m.]

CIVIL SERVICE COMMISSION

SPECIAL PAY RANGES

Notice of Adjustment of Minimum Rates and Rate Ranges

Correction

In F.R. Doc. 68-742 appearing at page 771 in the issue of Saturday, January 20, 1968, in the first "Per Annum Rates" table, column 3, opposite GS-6, the figure "8,391" should read "8,392".

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16258, 15011; FCC 68-73]

AMERICAN TELEPHONE & TELEGRAPH CO.

Memorandum Opinion and Order Regarding Jurisdictional Separations

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258, charges for interstate and foreign communication service; in the matter of American Telephone & Telegraph Co., Docket No. 15011, charges, practices, classifications, and regulations for and in connection with teletypewriter exchange service.

1. The Commission has under consideration its interim decision and order, issued July 5, 1967, its memorandum opinion and order on reconsideration, issued September 14, 1967, the report of the Technical Experts Group on jurisdictional separations, a petition for extension of stay and reopening of record, filed by the Bell System Respondents on November 15, 1967, and various oppositions thereto.

2. The memorandum opinion on reconsideration stayed the effect of our interim decision as regards the prescription of jurisdictional separations procedures until December 1, 1967, which date was subsequently extended to February 1, 1968. At the time of the initial stay, we had before us petitions for reconsideration from Respondents and others urging modification of our determinations with respect to separations. Regarding these petitions, we concluded that they advanced nothing of substance to discredit those determinations; and that they provided no justification to reopen the record of these proceedings or for holding further evidentiary hearings on separations at this time. We recognized, however, the complexities inherent in jurisdictional separations and the intricacies involved in the application of any set of principles. We therefore stayed the effectiveness of our prescription of separations for a brief period required to enable the Technical Experts Group [1] to examine the proposed procedures "with the view to ascertaining any improvements or refinements therein which they may deem to be warranted."

On November 15, 1967, the Technical Experts Group submitted its report on the results of its examination. Nothing contained in the report causes us to set aside the conclusions reached in our interim decision as to the soundness and reasonableness of the jurisdictional separations procedures adopted therein. Although the report makes certain recommendations for revisions in the procedures, these recommendations, in essence, involve major modifications or changes, and, to some degree, introduce concepts different from those underlying the Commission's proposed plan of separations. Certainly the recommendations cannot be regarded simply as "improvements or refinements" as contemplated by our memorandum opinion and order on reconsideration. Moreover, it is clear from the group's report itself, as well as from other representations made to the Commission in the course of these proceedings, that there is no one plan of separations which has unanimous support either within industry or among the state regulatory agencies.

4. It must be kept in mind that the primary purpose of this phase of the proceeding in Docket No. 16258 has been to determine the overall revenue requirements of Respondents for their interstate operations, and to adjust interstate rates accordingly. This purpose has been accomplished. In view of all of the foregoing circumstances, we are obliged, in the interest of administrative finality, and in the entire context of the record of these proceedings to reaffirm and adopt the findings and conclusions of our interim decision or jurisdictional separations as providing a sound and reasonable basis for determining Respondents' interstate revenue requirements. We, therefore, adopt the amount of $85 million [2] as the amount of additional revenue requirements applicable to interstate operations on the basis of the application of the changes in separations procedures adopted by our interim decision to the 1966 test year data.

5. In our interim decision and order, we proposed to prescribe, pursuant to sections 221(c) and (d) of the Communications Act of 1934, as amended, the method found to be reasonable therein as the method to be applied for the future with respect to the separation and allocation of all property, together with related reserves, expenses, and taxes, used in whole or in part to provide the services subject to our jurisdiction. The interim decision and order also contemplated that, in order to provide an appropriate framework within which any proposed revision may be considered on an orderly and public basis, the procedures would be incorporated in rules and regulations, and that thereafter any changes in such rules and regulations would be considered on a public record in accordance with the rule-making provisions of the Administrative Procedure Act.

6. As we have previously stated, we consider that the plan we have adopted herein is sound and reasonable. However, we must take note from the report of the Technical Experts Group of the advocacy by Respondents of another plan and the endorsement of such other plan by the Executive Committee of the NARUC—although such endorsement does not represent the unanimous view of all state commissions. Having in mind the vital interest of state regulators in any plan of jurisdictional separations that is prescribed for the future we feel constrained to give full consideration to all of the views held by those affected by such prescription. We feel that this should be done in a manner which will enable us to evaluate the alternative plans now being advocated in juxtaposition with the plan of separations we have adopted for the immediate ratemaking purposes of this phase of Docket No. 16258. We are further of the opinion that such comparative evaluation can best be accomplished by proceeding immediately by way of issuing a notice of proposed rule making in a separate docket. However, in view of the fact that the matter has been so recently considered both by us and the interested parties, we do not believe that an extended time period will be necessary, and that rather the matter can be brought to a conclusion much quicker than would otherwise be the case. The time period which we have prescribed for filing comments and reply comments has been specified with this consideration in mind.

7. Pending completion of the rule-making proceedings we are commencing herewith, Respondents will be free to administer their division of interstate revenue procedures on the basis of the interim plan of divisions they are now using, and to which we offered no objection in our letter of December 13, 1967. However, we will expect Respondents to report to us monthly the results of the division of revenue procedures applied on the basis of the procedures adopted by our interim decision. We will also expect Respondents to report to each state regulatory commission the results of its division of revenues in the particular state based on the interim plan and the plan adopted by our interim decision. This will leave each state agency free to take such action with respect to intrastate revenue requirements in its state on

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[1] The Technical Experts Group was formed by direction of the Telephone Committee at a prehearing conference on July 11, 1966, for the purpose of endeavoring to narrow the issues and devising other means of expediting consideration of separations, pursuant to the Commission's memorandum opinion and order issued Apr. 11, 1966. It consisted of representatives of all parties who submitted separations proposals pursuant to the Telephone Committee's order issued Apr. 22, 1966, and members of the Commission's staff.

[2] As indicated in the report of the Technical Experts Group, more refined data produces an amount of $82,550,000 as the precise effect of the Commission's plan.

the basis of whichever of these plans of jurisdictional separations it deems appropriate pending conclusion of the forthcoming rule-making proceedings.

8. *Accordingly, it is ordered,* That the petitions for reconsideration and for modification listed in the appendix to our memorandum opinion and order on reconsideration herein issued September 14, 1967, insofar as such petitions relate to jurisdictional separations, are granted to the extent indicated herein and in all other respects are denied: *And it is further ordered,* That Bell System Respondents' petition for extension of stay and reopening of record filed November 15, 1967, is granted to the extent indicated herein and in all other respects is denied.

Adopted: January 24, 1968.

Released: January 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-1249; Filed, Jan. 31, 1968; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9314, etc.]

AMERADA PETROLEUM CORP. ET AL.

Findings and Order

JANUARY 23, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, requiring filing of surety bond, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Okmar Oil Co. et al., Applicants in Docket No. CI68-582, propose to continue in part the sale of natural gas heretofore authorized in Docket No. CI60-35 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 231. The contract comprising said rate schedule has been submitted by Applicants as their own rate schedule. The presently effective rate under Shell's rate schedule is in effect subject to refund in Docket No. RI65-483, and Applicants have indicated in their application their intention to be responsible for the total refund from the time that the increased rate became effective subject to refund. Therefore, Applicants will be made co-respondents in the proceeding pending in Docket No. RI65-483; the proceeding will be redesignated accordingly; and Applicants will be required to file an agreement and undertaking to assure the refund of all amounts collected from the time that the increased rate became effective subject to refund, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI65-483 with respect to sales from the acreage acquired from Shell.

Jerome P. McHugh et al., Applicants in Docket No. CI68-589, propose to continue in part the sale of natural gas heretofore authorized in Docket No. G-10686 to be made pursuant to Northwest Production Corp. (Operator) et al., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule will also be accepted for filing as the rate schedule of Applicants. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-398. Therefore, Applicants will be made co-respondents in said proceeding; the proceeding will be redesignated accordingly; and Applicants will be required to file a surety bond to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in Docket No. RI64-398.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on January 11, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI68-657 and CI68-660 should be canceled and that the applications filed herein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. CI68-38 and G-10926, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-9314, G-9462, G-10926, G-12162, CI60-35, CI63-218, CI64-175, CI65-1159, CI65-1190, CI66-630, CI66-1162, CI66-1343, CI67-734, CI67-941, CI67-1488, and CI68-38 should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

[3] Dissenting statements of Commissioners Cox and Johnson and separate opinion of Commissioner Loevinger (in which Commissioner Lee joins) filed as part of original document.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceding pending in Docket No. RI68–167 should be terminated only insofar as it pertains to Gulf Oil Corp. FPC Gas Rate Schedule No. 260.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Okmar Oil Co. et al., should be made corespondents in the proceeding pending in Docket No. RI65–483, that said proceeding should be redesignated accordingly, and that they should be required to file an agreement and undertaking.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jerome P. McHugh et al., should be made corespondents in the proceeding pending in Docket No. RI64–398, that said proceding should be redesignated accordingly, and that they should be required to file a surety bond.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 4 in the attached tabulation.

(E) The initial rate for the sales authorized in Docket Nos. CI64–520 and CI68–208 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment, for sales authorized from the Oklahoma "Other" area and 17 cents per Mcf at 14.65 p.s.i.a. for the sale authorized in Docket No. CI64–250 from the Oklahoma "Panhandle" area; however, in the event that the Commission amends its Policy Statement No. 61–1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the areas involved herein, Applicants thereupon may substitute the new rates reflecting the amounts of such increases, and thereafter collect such new rates prospectively in lieu of the initial rates herein required.

(F) The initial rate for the sale authorized in Docket No. CI68–95 shall be 14.5 cents per Mcf (including dehydration charge) at 14.65 p.s.i.a., plus B.t.u. adjustment.

(G) The certificate issued herein in Docket No. CI68–655 involving the sale of gas by Arkla Exploration Co. (Operator) et al., to its affiliate, Arkansas Louisiana Gas Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(H) The acceptance for filing of the related rate filing in Docket No. CI68–662 is contingent upon Applicant's filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(I) Certificates are issued herein in Docket Nos. CI68–634, CI68–635, CI68–653, CI68–663, CI68–664, CI68–668, and CI68–669 authorizing the respective Applicants to continue the sales of natural gas which were initiated without prior Commission authorization.

(J) A certificate is issued herein in Docket No. CI68–641 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954, by the predecessor.

(K) Docket Nos. CI68–657 and CI68–660 are canceled.

(L) The certificates heretofore issued in Docket Nos. G–9462, G–12162, CI63–218, CI64–175, CI65–1159, CI66–1162, CI66–1343, CI67–734, CI67–941, CI67–1488, and CI68–38 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. G–9314 is amended by deleting therefrom authorization to sell natural gas, and Applicant shall not be relieved of any refund obligation which may be imposed in the related rate suspension proceeding pending in Docket No. RI65–344 insofar as it pertains to the acreage being released.

(N) The certificate heretofore issued in Docket No. CI65–1190 is amended by adding thereto authorization to sell natural gas from the additional acreage at the total rate of 17 cents per Mcf at 14.65 p.s.i.a. inclusive of tax reimbursement, subject to upward and downward B.t.u. adjustment.

(O) The certificates heretofore issued in Docket Nos. CI60–35 and CI66–630 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI68–582 and CI68–630.

(P) The certificate heretofore issued in Docket No. G–10926 is amended by changing the certificate holder to the successor in interest as indicated in the attached tabulation.

(Q) Permission for and approval of the abandonment of service by the Respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(R) The certificates heretofore issued in Docket Nos. CI62–1365, CI64–384, CI66–273, and CI67–835 are terminated.

(S) The rate suspension proceeding pending in Docket No. RI68–167 is terminated only insofar as it pertains to Gulf Oil Corp. FPC Gas Rate Schedule No. 260.

(T) Okmar Oil Co. et al., are made co-respondents in the proceeding pending in Docket No. RI65–483 and the proceeding is redesignated accordingly.[1]

(U) Within 30 days from the issuance of this order Okmar Oil Co. et al., shall execute in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–483 to assure the refund of all amounts collected from the time that the increased rate became effective subject to refund, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI65–483 with respect to the sales from acreage acquired from Shell Oil Co.

(V) Okmar Oil Co. et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by them in Docket No. RI65–483 shall remain in full force and effect until discharged by the Commission.

(W) Jerome P. McHugh et al., are made co-respondents in the proceeding

[1] Shell Oil Co. and Okmar Oil Co. et al.

pending in Docket No. RI64–398 and the proceeding is redesignated accordingly.[2]

(X) Within 30 days from the issuance of this order, Jerome P. McHugh et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI64–398 in the amount of $1,900 to assure the refund of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The bond shall be accompanied by a certificate to the effect that no obligation has been incurred in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing.

(Y) Jerome P. McHugh et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the surety bond filed by them in Docket No. RI64–398 shall remain in full force and effect until discharged by the Commission.

(Z) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedule relating to the succession herein is accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated by the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] Northwest Production Corp. (Operator) et al., C. F. Raymond and Jerome P. McHugh et al.

Docket no. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–9314 D 11–14–67	Amerada Petroleum Corp.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans., and Baca County, Colo.	Notice of partial cancellation 11–13–67.[1 2]	[3] 42	13
G–9462 C 11–13–67 [4]	Sun Oil Co. (Mid-Continent Division).	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Amendatory agreement 9–19–67.[5]	69	7
G–12162 D 6–17–66	Texaco, Inc.	Cities Service Gas Co., Eureka and Medford Fields, Grant County, Okla.	Amendment 5–17–66[2 6]	163	4
CI63–218 C 10–9–67 [4]	Global Oils, Inc. (Operator), et al.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 8–3–67.[5]	4	4
CI64–175 C 11–9–67 [4]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Letter agreement 10–3–67.[5]	363	18
C 11–13–67 [4]			Letter agreement 10–12–67.[5]	363	19

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket no. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64–520 A 10–28–63 C 7–24–64 C 10–4–65 C 3–14–66	Petroleum International, Inc. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla., Other Area, and Woodward County, Okla., Panhandle Area.	Contract 8–28–63 [7]	1	
			Compliance 1–23–64	1	1
			Amendatory agreement 5–7–64.[3]	1	2
			Compliance 9–23–64	1	3
			Amendatory agreement 7–14–65.[9]	1	4
			Compliance 12–9–65	1	5
			Amendatory agreement 2–2–66.[10]	1	6
			Letter agreement 5–11–66.	1	7
			Amendatory agreement 4–5–67.[11]	1	8
			Letter agreement 5–31–67.[12]	1	9
CI65–1159 C 11–7–67 [4]	Tenneco Oil Co. et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 9–28–67.[5]	176	13
CI65–1190 C 8–17–67 [4]	Continental Oil Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Amendatory agreement 7–7–67.[5]	[13] 299	6
CI66–1162 C 7–31–67 [14]	Henry H. Howard et al.	Pennsylvania Gas Co., Lafayette Township, McKean County, Pa.	Contract 7–24–67 [15]	[15] 2	
CI66–1343 C 10–6–67 [4]	Development Services Corp. (Operator) et al.	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	([16])	1	
CI67–734 C 11–13–67 [4]	Sun Oil Co. (Mid-Continent Division).	Northern Natural Gas Co., North Woodward Field, Woodward County, Okla.	Amendatory agreement 9–13–67.[5]	211	1
CI67–941 C 11–7–67 [4]	B. E. Talkington et al., d. b. a. Talkington-Brady, Inc.	Equitable Gas Co., Meade District, Upshur County, W. Va.	Letter agreement 9–20–67.[5]	24	2
CI67–1488 C 11–13–67 [4]	Herman C. Warner, agent for W. & J. Oil & Gas Producers et al.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Letter agreement 4–22–67.[5]	4	1
CI68–95 A 7–27–67 [4]	McCommons Oil Co., agent (Operator) et al.	Natural Gas Pipeline Co. of America Boonesville Bend Conglomerate Field, Wise County, Tex.	Contract 6–1–67	3	
			Compliance 8–19–67 [5 17]	3	1
CI68–208 A 8–25–67 [4]	Pan American Petroleum Corp.	Michigan Wisconsin Pipe Line Co., East Campbell Field, Major, and Woods Counties, Okla.	Contract 4–28–67	490	
			Letter agreement 7–19–67.	490	1
CI68–582 (CI60–35) F 10–23–67	Okmar Oil Co. et al. (successor to Shell Oil Co.).	Panhandle Eastern Pipe Line Co., North Borcher Field, Meade County, Kans.	Contract 11–19–59 [18]	24	
			Assignment 6–15–67 [19]	24	
			Conveyance 6–28–67 [20]	24	1
			Effective date: 6–1–67		2
CI68–589 (G–10686) F 10–26–67	Jerome P. McHugh et al. (successor to Northwest Production Corp.).	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Contract 6–15–56 [21]	3	
			Farmout agreement 9–28–67.[22]	3	
			Supplemental agreement 10–20–67.[5 23]	3	1–1
CI68–630 (CI66–995) F 11–2–67	The Shamrock Oil & Gas Corp. (successor to Shell Oil Co.).	Panhandle Eastern Pipe Line Co., acreage in Hemphill County, Tex.	Contract 11–18–65 [24]	47	
			Letter agreement 11–12–65.	47	1
			Assignment 9–29–67 [25]	47	2

Docket no. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
			Effective date: 10-1-67		
CI68-631 A 11-6-67 [4]	TWM Petroleum, Inc.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Contract 10-17-66 [5]	2	
CI68-634 A 11-8-67 [26]	Penn-Wayne Gas Co.	Consolidated Gas Supply Corp., North Mahoning Township, Indiana County, Pa.	Contract 11-15-66 [5]	1	
CI68-635 A 11-8-67 [26]	Naoma Oil & Gas Co.	Consolidated Gas Supply Corp., Huston Township, Clearfield County, Pa.	Contract 10-19-66 [5]	2	
CI68-636 A 11-8-67 [4]	James L. Gagan	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 9-27-67 [5]	1	
CI68-637 A 11-8-67 [4]	Paul F. Starr, agent for Riddle-Cunningham.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Contract 9-22-67 [5]	27	
CI68-640 A 11-6-67 [4]	Southwest Oil Industries, Inc.	Arkansas Louisiana Gas Co., North Enid Area, Garfield County, Okla.	Contract (ratified) 9-7-67.	9	
CI68-641 A 11-7-67 [28]	P. & S. Oil & Gas Corp.	United Fuel Gas Co., Mingo County Gas Field, Mingo County, W. Va.	Contract 12-31-63 [5 27]	9	1
			Contract 4-12-50 [29]	8	
			Assignment 5-1-52 [30]	8	1
			Letter agreement 12-15-52.[31]	8	2
			Assignment 7-31-57 [32]	8	3
			Effective date: 10-1-56		
CI68-644 A 11-9-67 [4]	Gulf Oil Corp.	El Paso Natural Gas Co., Mickelson Creek Field, Sublette County, Wyo.	Contract 1-19-67 [5]	392	
CI68-646 A 11-9-67 [4]	Quaker State Oil Refining Corp.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Contract 10-2-67 [5]	26	
CI68-647 A 11-9-67	Fairman Drilling Co., et al.	Consolidated Gas Supply Corp., Perry Township, Jefferson County, Pa.	Contract 5-26-67 [5]	54	
CI68-648 (CI67-835) B 11-9-67	Humble Oil & Refining Co.	Hydrocarbon Development Corp., Midway Field, San Patricio County, Tex.	Notice of cancellation 11-6-67. [1 2]	416	3
CI68-653 A 11-13-67 [26]	Fairman Drilling Co. et al.	Consolidated Gas Supply Corp., Perry Township, Jefferson County, Pa.	Contract 2-7-67 [5]	55	
CI68-655 A 11-14-67	Arkla Exploration Co. (Operator) et al.	Arkansas Louisiana Gas Co., Waveland Field, Yell County, Ark.	Contract 10-5-67 [5]	25	
CI68-657 (CI68-38) C 11-14-67 [4 33]	Allen Beard et al.	United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va.	Agreement 9-15-67 [5]	4	1
CI68-660 (G-10926) E 11-15-67 [34]	Harry W. Brennan, Jr. (Operator), et al. (successor to John C. Whitaker (Operator) et al.	United Gas Pipe Line Co., Bethany Field, Harrison County, Tex.	John C. Whitaker (Operator) et al., FPC GRS No. 1.	2	
			Supplement Nos. 1-4		
			Notice of succession 11-13-67.	2	1-4
			Assignment 10-18-67 [35]	2	5
			Effective Date: 10-1-67		
CI68-662 A 11-13-67 [4]	Hays & Co., agent for Rex Carpenter et al.	Equitable Gas Co., Birch District, Braxton County, W. Va.	Contract 1-9-67 [5]	305	
CI68-663 A 11-13-67 [4 26]	Oilco, Inc.	Cumberland & Allegheny Gas Co., Washington District, Upshur County, W. Va.	Contract 3-27-63 [5]	1	
CI68-664 A 11-13-67 [4 26]	do	do	Contract 9-7-62 [5]	2	
CI68-668 A 11-15-67 [26]	Penn-Wayne Gas Co.	Consolidated Gas Supply Corp., North Mahoning Township, Indiana County, Pa.	Contract 7-20-67 [5]	2	
CI68-669 A 11-15-67 [26]	Boyd & Shriver et al.	do	Contract 5-26-67 [5]	5	
CI68-670 (CI66-273) B 11-15-67	Pauley Petroleum Inc. (Operator), et al.	United Gas Pipe Line Co., Glendale Dome Field, Trinity County, Tex.	Notice of cancellation 10-2-67. [1 2]	6	2
CI68-671 A 11-15-67 [4]	Benco Drilling Co., Inc.	Equitable Gas Co., Birch District, Braxton County, W. Va.	Contract 2-6-67 [5]	5	
CI68-677 A 11-17-67	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Chismville Field, Logan County, Ark.	Contract 10-16-67 [5]	410	
CI68-679 A 11-20-67 [4]	Southern Union Production Co.	El Paso Natural Gas Co., Jicarilla Well, Rio Arriba County, N. Mex.	Contract 10-6-67 [5]	24	
CI68-681 A 11-16-67 [4]	J. & J. Enterprises, Inc.	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Contract 9-27-67 [5]	28	
CI68-682 (CI64-384) B 11-17-67	Gulf Oil Corp.	Cities Service Gas Co., Laketon Field, Gray County, Tex.	Notice of cancellation 11-15-67. [1 2]	[36] 260	2
CI68-685 (CI62-1365) B 11-20-67	Hugh K. Spencer et al.	Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va.	Notice of cancellation 11-17-67.[2 37]	9	1

See footnotes at end of table.

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Rate effective subject to refund in Docket No. RI65-344.
[4] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[6] Substitutes new exhibit A which deletes certain leases that have expired and other leases that have been assigned to Worldwide Petroleum Co. and Calvert Drilling, Inc. (now Continental Oil Co.). Worldwide has filed and received a certificate for acreage it received, Continental has not filed and therefore its acreage is being deleted by this order. Assignments from Texaco to Worldwide and Calvert are attached thereto.
[7] Sale being made pursuant to temporary certificate issued Dec. 13, 1963; by letter dated Aug. 31, 1967, Applicant expressed willingness to accept a permanent certificate at 15 cents.
[8] Added acreage permanently certificated by order issued May 22, 1967, in Docket Nos. CI61-336 et al.
[9] Temporary certificate issued Nov. 12, 1965; by letter dated July 12, 1967, Applicant expressed willingness to accept permanent authorization at 17 cents.
[10] Temporary certificate issued May 6, 1966; by letter dated July 12, 1967, Applicant expressed willingness to accept permanent authorization at 17 cents.
[11] Complies with Commission Order Nos. 334 and 334-A.
[12] Complies with order issued May 22, 1967, in Docket Nos. CI61-336 et al., by providing for a proportionate downward B.t.u. adjustment.
[13] Contract price is 19.5 cents; however, Applicant has expressed willingness to accept a permanent certificate at 17 cents.
[14] Amendment to the certificate to provide for the sale of additional gas which was previously sold in intrastate commerce.
[15] Supersedes FPC GRS No. 1; previously accepted by letter dated Oct. 27, 1967. (Effective date: Date of initial delivery insofar as the sale of gas previously sold in intrastate commerce.)
[16] No rate filing submitted and none required. Applicant desires to expand the certificate issued in said docket to include all the acreage dedicated to the subject contract, namely, the Pole Gulch Unit, which is covered under Development Services Corp.'s FPC GRS No. 1.
[17] Complies with temporary certificate issued Aug. 18, 1967; advises of willingness to accept a permanent certificate at 14.5 cents including dehydration charge.
[18] Currently on file as Shell Oil Co., FPC GRS No. 231.
[19] Conveys acreage from Shell Oil Co. to Thomas C. Hower.
[20] Conveys acreage from Thomas C. Hower to Okmar Oil Co., et al.
[21] Between Northwest Production Corp. and Pacific Northwest Pipe Line Corp. (now El Paso); on file as Northwest Production Corp., FPC GRS No. 1.

[2] Assigns operating rights in certain acreage to Jerome P. McHugh.
[3] Amends farmout agreement to remove the requirement that McHugh et al., and El Paso exclude non-Pictured Cliffs Formation Wells from being connected to El Paso's 11 H-1 and 11 H-2 laterals.
[4] Contract between Shell Oil Co. and buyer; on file as Shell Oil Co., FPC GRS No. 333.
[5] Assignment from Shell Oil Co. to the Shamrock Oil & Gas Corp.
[6] Sale being rendered without prior Commission authorization.
[7] Contract between Sunray DX Oil Co. and Arkansas Louisiana Gas Co.; on file as Sunray's FPC GRS No. 245.
[8] Sale being rendered on June 7, 1954, by predecessor (no rate schedule or certificate filings were made by predecessor).
[9] Between R. M. Kolze and United Fuel Gas Co.
[10] From Kolze to Pipeline Construction & Drilling Co.
[11] Increases contract rate from 15 to 17 cents per Mcf.
[12] From Pipeline to P. & S. Oil & Gas Corp.
[13] Application erroneously assigned Docket No. CI68-657 being treated as a petition to amend the certificate issued in Docket No. CI68-38 and DocketNo. CI68-657 will be canceled.
[14] Application erroneously assigned Docket No. CI68-660 being treated as a petition to amend the certificate issued in Docket No. G-10926 and Docket No. CI68-660 will be canceled.
[15] From John C. Whitaker et al. to Harry W. Brennan, Jr. (Operator), et al.
[16] Rate of 17.25 cents per Mcf suspended in Docket No. RI68-167; therefore, the rate suspension proceeding pending in Docket No. RI68-167 will be terminated only insofar as it pertains to Gulf's FPC GRS No. 260.
[17] Production of gas no longer economically feasible.

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the nautral gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of Respondent), on (Date of Original Filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Scheduled No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension Order Issuance Date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended Until Date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date Motion Filed), filed a motion to make the change in rate effective as of (Requested Effective Date); and

Whereas, the Commission, in response to said motion, on (Date of Notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. _____ to Respondent's FPC Gas Rate Scheduled No. _____, effective as of (Effective Date), subject to Respondent's furnishing a bond in the sum of $_____, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. _____ not justified;

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of Notice) by the Federal Power Commission, Docket No. _____, (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective Date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. _____, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this _____ day of _____

Attest:

_____

By _____
Principal

By _____
Surety

SUGGESTED AGREEMENT AND UNDERTAKING

(Name of Respondent_____)
Docket No_____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF § 154.102 OF THE COMMISSIONS'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of § 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto,[2] this _____ day of _____, 196__.

By _____
(Name of Respondent)

Attest:

_____

[F.R. Doc. 68-1131; Filed, Jan. 31, 1968; 8:45 a.m.]

[1] To be included if a noncorporate respondent.

[2] If a corporation.

[Docket No. CP68-97]

SOUTH SEMINOLE NATURAL GAS AUTHORITY AND FLORIDA GAS TRANSMISSION CO.

Order Permitting Intervention, Requiring Respondent To Show Cause, Prescribing Procedure, and Setting Hearing Date

JANUARY 25, 1968.

South Seminole Natural Gas Authority (Seminole), Lotus Lake Drive, Casselberry, Fla. 32707, filed with the Federal Power Commission, pursuant to section 7(a) of the Natural Gas Act, and application for an order directing Florida Gas Transmission Co. (Florida Transmission), Post Office Box 44, Winter Park, Fla. 32789, and 2500 Humble Building, Houston, Tex. 77002, to establish physical connection of its natural gas transportation facilities with facilities to be constructed by the applicant and to sell and deliver to the applicant natural gas for resale in the applicant's service area in Seminole County, Fla., and for such purpose to extend its transportation facilities a distance of approximately 1.8 miles from its existing transmission pipeline to the applicant's service area in accordance with Florida Gas Transmission Co.'s procedure for new service as stated in its FPC Gas Tariff, original volume No. 1, original sheets Nos. 22, 22A and 22B. Seminole filed a supplement to its application on November 21, 1967.

Notice of Seminole's application was issued October 2, 1967 (32 F.R. 14076), fixing October 27, 1967, as the final date for filing protests and petitions to intervene.

Seminole is not now engaged in the distribution and sale of natural gas. It alleged in its application that it is a public body created by an Act of the legislature of the State of Florida for the purpose of buying, selling, and distributing natural gas in its service area in southern Seminole County in east central Florida near Orlando. The applicant proposes to construct and operate a natural gas distribution system to serve the incorporated communities of Casselberry and Longwood and other communities and rural consumers in its service area with natural gas received from Florida Transmission whose pipeline at its nearest point is located approximately 1.8 miles west of Seminole's service area.

Florida Transmission filed an answer to Seminole's application in which it objected to granting the application unless the applicant:

* * * demonstrates by an adequate record showing that it has the market, economic feasibility and financial feasibility to justify a determination by the Commission that Applicant is qualified under section 7(a) of the Natural Gas Act, that its proposed project is necessary or desirable in the public interest, and that the grant of its request will place no undue burden upon Respondent.

Petitions to intervene were filed in time by Florida Gas Co. (Florida Gas), Post Office Box 44, Winter Park, Fla. 32789, and Florida Public Utilities Co. (Florida Utilities), Post Office Box 1231, West Palm Beach, Fla. 33402.

Both of the petitioners alleged that they sell and distribute natural gas at retail to residential, commercial and industrial customers in service areas adjacent to Seminole's proposed service area; that they obtain their natural gas supply from Florida Transmission; that they now sell and distribute liquified petroleum gas in Seminole's proposed service area; that their interests will not be adequately represented by existing parties; and that their participation in the hearing on the application will be in the public interest.

The Commission finds:

(1) Good cause exists to allow the petitioners named above to intervene in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Florida Gas Transmission Co. show cause, as hereinafter ordered, why it should not be directed to connect its transportation facilities with facilities constructed by the applicant herein, and sell and deliver to the applicant natural gas for resale and distribution in its service area.

The Commission orders:

(A) The petitioners named above are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene; and provided further that permission to intervene shall not be construed as recognition by the Commission that any party might be aggrieved by any order entered in this proceeding.

(B) Florida Gas Transmission Co. shall appear and show cause, if any there be, at the hearing ordered hereinafter, why it should not be directed to connect its transportation facilities with facilities constructed by the applicant and sell and deliver to the applicant volumes of natural gas sufficient to meet its estimated requirements as stated in its application.

(C) Proposed evidence comprising cases-in-chief, including testimony and exhibits, shall be filed with the Commission and served on all parties and the Commission's staff as follows:

By the applicant on or before March 19, 1968;

By the respondent and the interveners on or before April 23, 1968;

By the Commission's staff on or before May 21, 1968. The respondent shall file and serve also on April 23, 1968, a statement showing in detail how its lateral pipeline policy, as stated in its FPC Gas Tariff, original volume No. 1, original sheets Nos. 22A and 22B, would be applied to the data given in the application involved herein and the results obtained.

(D) A public hearing on the issues presented by the application, as supplemented, in the above-entitled case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on June 4, 1968.

(E) At the hearing ordered herein the applicant shall open. The presiding examiner shall determine the order in which other parties shall present evidence. At said hearing all parties and the Commission's staff shall offer in evidence the testimony and exhibits comprising their cases-in-chief, respectively, to be followed promptly by cross-examination in such order as the examiner shall direct. The examiner shall set the date for filing and serving rebuttal evidence, if any.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-1201; Filed, Jan. 31, 1968; 8:46 a.m.]

[Project 2197]

YADKIN, INC.

Notice of Application

JANUARY 25, 1968.

Take notice that on January 8, 1968, Yadkin, Inc. (correspondence to: G. H. Traylor, President, 1501 Alcoa Building, Pittsburgh 19, Pa.), licensee for FPC Project No. 2197 filed an application seeking authority to implement a new operating rule curve for the High Rock Reservoir. The proposed rule curve is designated "Operating Guides for Operation of Badin Works" and would replace the present rule curve designated in Article 33 of the license as "Preliminary Operating Guides for Operation of Badin Works."

According to the application, the effect of using the proposed new rule curve would be to maintain higher water levels in High Rock Reservoir during the recreation season, May 15 to September 15. Based upon a repetition of the stream flows of 1919-67 (49 years), the proposed new rule curve would generally limit the drawdown during the recreation season to less than 5 feet. Drawdowns in excess of 5 feet would be infrequent and would occur only during extremely adverse flow conditions. During the 1967 recreation season the drawdown reached a maximum of about 12 feet in August. If the new rule curve had been in effect during the 1967 recreation season, the maximum drawdown during the month of August would have been about 4½ feet.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 29, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-1202; Filed, Jan. 31, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 0-2914]

BRILUND MINES, LTD.

Order Suspending Trading

JANUARY 25, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Brilund Mines, Ltd., 250 University Avenue, Toronto, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 25, 1968 through January 29, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1216; Filed, Jan. 31, 1968; 8:47 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 28, 1968 through February 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1217; Filed, Jan. 31, 1968; 8:47 a.m.]

FASTLINE, INC.

Order Suspending Trading

JANUARY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock or Fastline, Inc., New York, N.Y., otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 28, 1968 through February 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-1218; Filed, Jan. 31, 1968; 8:47 a.m.]

INGLEWOOD GASOLINE CO.

Order Suspending Trading

JANUARY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock, 50-cent par value of Inglewood Gasoline Co., Los Angeles, Calif., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing January 26, 1968 at 11:15 a.m. (e.s.t.) through February 4, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1219; Filed, Jan. 31, 1968; 8:47 a.m.]

MESUR-MATIC ELECTRONICS CORP.

Order Suspending Trading

JANUARY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mesur-matic Electronics Corp., Warner, N.H., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing January 26, 1968, at 11:15 a.m. (e.s.t.) through February 4, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1220; Filed, Jan. 31, 1968; 8:47 a.m.]

[70-4580]

NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Accounting Adjustment

JANUARY 26, 1968.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, has filed a declaration with this Commission pursuant to section 15(e) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposals.

The investments of NEES in the common shares of its subsidiary companies are presently recorded at amounts approved under the Section 11(e) amended plan of New England Power Association, predecessor holding company of NEES (New England Power Association, 22 S.E.C. 343, Mar. 14, 1946), with effect given to transactions subsequent to that date. Subsequent acquisitions of common shares of its subsidiary companies have been recorded at cost to NEES.

Pursuant to an Order of the Commission dated January 30, 1953 (Holding Company Act Release No. 11688), and vote of the shareholders of NEES at a meeting held on February 24, 1953, a general reserve relating to investments was created, as of January 1, 1952, in the amount of $58,540,643. Such reserve was equal, in the aggregate, to the amount by which the total investments in common shares of subsidiary companies, recorded in the accounts at January 1, 1952, exceeded the related net assets shown by the books of the subsidiary companies at that date. The Commission in its Order of January 30, 1953, also approved the elimination of a requirement under the plan, as approved in 1946, to appropriate net income of $1,250,000 per annum for such a general reserve in future years.

Since January 1, 1952, and as a result of acquisitions and sales of securities, mergers, consolidations and liquidations of subsidiary companies, write downs of plants and properties to original cost, and other transactions, the excess carrying values of investments has increased and the general reserve relating to investments has been similarly increased. It is stated that the recent amendment of the NEES debenture indenture (Holding Company Act Release No. 15824) has eliminated the remaining reason for including excess carrying values and the related general reserve in the accounts of NEES.

NEES now proposes to adjust the recorded values of its investments in common shares of its subsidiary companies to the underlying book values shown by the books of such subsidiary companies, including surplus, as of January 1, 1952, or later dates of acquisitions, adjusted for subsequent transactions. As a result of the proposed accounting adjustment, the balance of $71,009,961.39, presently in such general reserve, will be eliminated and the carrying values of investments in subsidiary companies will be the same as the underlying book values at January 1, 1952, or subsequent acquisition dates. The schedule below shows the carrying values of NEES's investments in common shares of subsidiary companies as at December 31, 1967, and the proposed carrying values.

	Carrying values as at Dec. 31, 1967	Excess values	Proposed carrying values
Granite State Electric Co.	$3,395,452.01	$197,755.96	$3,197,696.05
Massachusetts Electric Co.	159,531,258.99	47,032,615.81	112,498,643.18
Narragansett Electric Co., The	53,000,000.00	7,315,512.25	45,684,487.75
New England Power Co.	118,587,210.52	21,723,736.08	96,863,474.44
Subtotal	334,513,921.52	76,269,620.10	258,244,301.42
Central Massachusetts Gas Co.	1,625,000.00	(150,340.21)	1,775,340.21
Lawrence Gas Co.	2,795,519.71		2,795,519.71
Lynn Gas Co.	3,972,077.49	(193,288.40)	4,165,365.89
Mystic Valley Gas Co.	8,668,763.47	(2,389,896.63)	11,058,660.10
North Shore Gas Co.	3,019,530.12	(1,352,885.45)	4,372,415.57
Northampton Gas Light Co.	880,025.00	(431,215.59)	1,311,240.59
Norwood Gas Co.	262,420.00	(189,065.09)	451,485.09
Wachusett Gas Co.	1,022,155.16	(403,022.01)	1,425,177.17
Subtotal	22,245,490.95	(5,109,713.38)	27,355,204.33
New England Power Service Co.	75.00	(149,945.33)	150,020.33
Total	356,759,487.47	71,009,961.39(A)	285,749,526.08

(A) Equal to general reserve relating to investments.

It is the present intention of NEES that any dividend paid by a subsidiary company out of surplus at acquisition date will be treated by NEES as a return of capital and credited to its investment account. Any further downward adjustments of the property accounts of subsidiary companies required by regulatory authorities having jurisdiction, which reduce underlying book value at acquisition date will be treated by NEES as a charge to its paid-in surplus, capital surplus, or earned surplus accounts and a credit to its investment account, as ordered, approved or permitted by the Commission.

NEES submits that the proposed accounting adjustments will not adversely affect its security holders since (i) the general reserve relating to investments equals the excess carrying values that are to be eliminated, and (ii) the adjustments will not change the published totals of corporate or consolidated assets, because such reserve has been carried on the asset side of the corporate and consolidated balance sheets of NEES.

The declaration states that there are no fees or commissions to be paid by NEES in connection with the proposed transactions; certain services are being performed by New England Power Service Co., the system mutual service company, at the actual cost thereof. The cost of such services to NEES is estimated not to exceed $500, and they consist principally of services performed by the executive and administrative department (including NEES officers), the corporate department (including attorneys), the treasury department (including accountants) and the office service department. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed accounting adjustments.

Notice is further given that any interested person may, not later than February 15, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1221; Filed, Jan. 31, 1968; 8:48 a.m.]

[812-2234]

NUVEEN TAX-EXEMPT BOND FUND, SERIES 17

Notice of Filing of Application for Order of Exemption

JANUARY 26, 1968.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 17 ("Applicant"), 209 South La Salle Street, Chicago, Ill. 60604, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Comission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of seventeen similar funds, named "Nuveen Tax-Exempt Bond Funds, Series 1–17," organized pursuant to a Trust Indenture and Agreement ("Trust Agreement") between John Nuveen & Co. (Inc.), as Sponsor, and United States Trust Company of New York, as Trustee. It is contemplated that the Sponsor will deposit with the Trustee under the Trust Agreement a minimum of $8 million principal amount of municipal bonds and will receive in exchange therefor certificates of undivided interest in Applicant. It is proposed to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed and has not yet become effective. The Trust Agreement provides in substance that no additional bonds will be deposited during the life of the Trust and no additional units will be issued. The proceeds of bonds which may be sold, redeemed or matured will be distributed to unit holders. Units may be redeemed by the holders at their current net asset value. The Trust may be terminated by written consent of 100 percent of the unit holders of Applicant, or, in the event that the value of the Applicant shall fall below 20 percent of the aggregate principal amount of bonds initially deposited therein, upon direction of the Sponsor to the Trustee.

In connection with the requested exemption, the Sponsor has agreed to refund the original price including sales load, paid by purchasers for units, if within 90 days after the registration of Applicant under the 1933 Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000. Applicant further represents that at the present time the Sponsor maintains a market for the units of the Nuveen Tax-Exempt Bond Funds, with which it is similarly connected, and continually offers to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions. In addition, it is the Sponsor's intention to maintain a market for the units of Applicant and to continually offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsor is not obligated to do so.

Notice is further given that any interested person may, not later than February 16, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-1222; Filed, Jan. 31, 1968; 8:48 a.m.]

[812-2254]

PLYWOOD-CHAMPION INTERNATIONAL FINANCE CO.

Notice of Filing of Application for Order Exempting Company

JANUARY 26, 1968.

Notice is hereby given that Plywood-Champion International Finance Co. ("Applicant"), 777 Third Avenue, New York, N.Y. 10017, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was organized by U.S. Plywood-Champion Papers Inc. ("Plywood-Champion"), under the laws of the State of Delaware on January 17, 1968. All of the outstanding securities of Applicant consisting of 100 shares of common stock without par value are owned by Plywood-Champion which purchased such stock for $1,000. Plywood-Champion will contribute to Applicant all of the outstanding stock, with an aggregate book value of $1,700,000, of The Champion Paper Company, Ltd., a Swiss wholly owned subsidiary. Any additional securities which Applicant may issue, other than debt securities, will be issued only to Plywood-Champion or one or more of its fully owned subsidiaries. Plywood-Champion will continue to retain its present holdings of Applicant's stock and any additional securities of Applicant which Plywood-Champion may acquire, and Plywood-Champion will not dispose of any of Applicant's securities except to Applicant or to a fully owned subsidiary of Plywood-Champion (which term as used herein means a corporation all of the outstanding securities of which, other than short-term paper, as defined in section 2(a)(36) of the Act, and directors' qualifying shares, are owned, directly or indirectly, by Plywood-Champion); and Plywood-Champion will cause each fully owned subsidiary not to dispose of Applicant's securities except to Plywood-Champion, Applicant or another fully owned subsidiary of Plywood-Champion.

Plywood-Champion, a New York corporation, is engaged, directly and through its subsidiaries, in the manufacture and sale of wood-based building materials and in the manufacture and sale of bleached pulp, paper and paperboard. The stock of Plywood-Champion is listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

A principal purpose for the organization of Applicant was to raise funds abroad for financing the requirements of Plywood-Champion's foreign operations. Applicant intends to issue and sell to Underwriters, for offer and sale outside the United States, $8 million principal amount of its Guaranteed Debentures due 1983 ("Debentures"). The Debentures will be convertible into shares of the common stock of Plywood-Champion after a date, to be fixed prior to the offering, which will be not less than 6 months after the date of issuance of the Debentures. Plywood-Champion will guarantee the principal, interest payments and premium, if any, on the Debentures. Any additional debt securities of Applicant which may be issued to or held by the public will be guaranteed by Plywood-Champion in a manner substantially similar to the guarantee of the Debentures.

The Debentures will be delivered to the Underwriters, and payment therefor will be received by the Applicant, outside of the United States. Each Underwriter will agree that it will not offer, sell or deliver Debentures in the United States of America or its territories or possessions or to nationals, citizens, or residents thereof, except with respect to sales to other Underwriters and to dealers who agree as set forth below. Any dealer purchasing Debentures will be required to agree that it will not offer, sell or deliver such Debentures in the United States of America or its territories or possessions or to nationals, citizens, or residents thereof. Any additional debt securities of Applicant which may be offered in the future will be sold under substantially similar conditions.

It is intended that upon completion of the long-term investment of Applicant's assets, substantially all of the assets of Applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies (including companies incorporated in the United States conducting all or substantially all of their business abroad) which are, or upon the making of such investment will be (1) majority-owned subsidiaries of Plywood-Champion within the meaning of section 2(a)(23) of the Act, (2) companies under Plywood-Champion's control within the meaning of section 2(a)(9) of the Act, or (3) companies in which Plywood-Champion or the Applicant owns (directly or indirectly) an equity interest of 10 percent or more: *Provided, however,* That Applicant will not invest in any such company which is an investment company as defined in section 3(a) of the Act, unless such company is a wholly owned subsidiary of Plywood-Champion. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending long-term investment of such assets and, from time to time thereafter in connection with a change in long-term investments, Applicant may make short-term deposits in foreign banks or foreign branches of U.S. banks, may make temporary investments in short-term obligations outside the United States and may maintain working balances in U.S. banks. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

Counsel has advised Applicant that, since the Applicant has been formed and is to be availed of for the principal purpose of obtaining funds for foreign issuers and obligors, U.S. persons will be required to report and pay an interest equalization tax with respect to acquisition of the Debentures, except where a specific statutory exemption is available. By financing its foreign operations through Applicant rather than through the sale of its own debt obligations, Plywood-Champion will utilize an instrumentality, the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to the interest equalization tax, thus tending to discourage them from purchasing such debt obligations.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that it is appropriate for the Commission to enter an order exempting Applicant from all the provisions of the Act for the following reasons: (1) A principal purpose of Applicant is to comply with the mandatory balance of payments program of the United States by obtaining funds in foreign countries for the foreign operations of Plywood-Champion and its subsidiaries and affiliates; (2) the payment of the Debentures, which is guaranteed by Plywood-Champion, does not depend solely on the operations or investment policy of Applicant, for the Debenture holders may ultimately look to the business enterprise of Plywood-Champion rather than solely to that of Applicant; (3) none of the securities of Applicant, other than debt securities, will be held by any person other than Plywood-Champion or a fully owned subsidiary of Plywood-Champion and any debt securities issued to or held by the public will be guaranteed by Plywood-Champion; (4) Applicant will not deal or trade in securities; (5) the Debentures will be offered and sold abroad to foreign nationals under circumstances designed to prevent any offer or sale in the United States, its territories or possessions or to any U.S. national, citizen, or resident; and (6) the burden of the interest equalization tax will tend to discourage purchase of the Debentures by any U.S. person.

Notice is further given that any interested person may, not later than February 7, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1223; Filed, Jan. 31, 1968; 8:48 a.m.]

[File No. 1-5215]

ROTO AMERICAN CORP.

Order Suspending Trading

JANUARY 26, 1968.

The common stock, $1 par value, of Roto American Corp., being listed and registered on the National Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 7 percent cumulative preferred, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the National Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 27, 1968, through February 5, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1224; Filed, Jan. 31, 1968; 8:48 a.m.]

URANIUM KING CORP.

Order Suspending Trading

JANUARY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Uranium King Corp., Post Office Box 6217, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 29, 1968, through February 7, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1225; Filed, Jan. 31, 1968; 8:48 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JANUARY 26, 1968.

The common stock, 10-cent par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 28, 1968, through February 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-1226; Filed, Jan. 31, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1146]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 26, 1968.

The following applications are governed by special rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 4405 (Sub-No. 456), filed January 15, 1968. Applicant: DEALERS TRANSIT, INC., 13101 South Torrance Avenue, Chicago, Ill. 60633. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Tow tractors,* in truckaway service, from De Kalb, Ill., to points in the United States (including Alaska but excluding Hawaii), and *damaged or rejected shipments,* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 17226 (Sub-No. 31), filed January 15, 1968. Applicant: FRUIT BELT MOTOR SERVICE, INC., 6038 West 29th Street, Cicero, Ill. 60650. Applicant's representatives: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602, and Beverly S. Simms, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006. Authority sought to operate as a *contract*

[1] Copies of special rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

carrier, by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment* for laundering, drycleaning, clothes drying, cooking, refuse disposal, and dishwashing, and *parts and accessories* thereof when transported with and intended for installation thereon, from the plantsites of the Whirlpool Corp. at Findlay, Ohio, to Chicago, Ill., Anderson, Evansville, Fort Wayne, Indianapolis, Mishawaka, and South Bend, Ind., Louisville, Ky., Benton Harbor, St. Joseph, Detroit, Flint, Grand Rapids, Lansing, and Saginaw, Mich., St. Louis, Mo., and Milwaukee, Wis., under contracts with the Whirlpool Corp. and Sears Roebuck & Co., and (2) *machinery and machinery parts, materials and supplies*, used in the manufacture, shipping, or operation of machinery and equipment for laundering, drycleaning, clothes drying, cooking, refuse disposal, and dishwashing, and *parts and accessories* thereof when moving in connection therewith and intended for installation thereon, (a) from Chicago, Ill., Evansville, Lafayette, and La Porte, Ind., Louisville, Ky., Bangor, Detroit, Grand Rapids, Holland, St. Joseph, and Benton Harbor, Mich. and St. Louis, Mo., to the plantsites of the Whirlpool Corp. at Findlay, Ohio, (b) between the plantsites of the Whirlpool Corp. at Findlay, Ohio, and the plantsites of the Whirlpool Corp. at La Porte and Evansville, Ind., St. Joseph and Benton Harbor, Mich., and (c) from Lafayette, Ind., Louisville, Ky., Detroit and Grand Rapids, Mich., and St. Louis, Mo., to the plantsites of the Whirlpool Corp. at Marion, Ohio, under contract with the Whirlpool Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC–29886 (Sub-No. 240), filed January 17, 1968. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tow tractors*, in initial movements in truckaway service, from De Kalb, Ill., to points in the United States, including Alaska, but excluding Hawaii, and *damaged or rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 33500 (Sub-No. 18), filed January 19, 1968. Applicant: PYRAMID VAN LINES, INC., 479 South Airport Boulevard South, San Francisco, Calif. 94080. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fine arts, paintings, antiques, and oriental rugs* of high value, between Carmel, Calif.; Scottsdale, Ariz.; Dallas, Tex.; Albuquerque, N. Mex.; Denver, Colo.; and, Oklahoma City, Okla. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 39249 (Sub-No. 5), filed January 15, 1968. Applicant: MARTIN MARANO, doing business as MARTY'S EXPRESS, 1236 Adams Avenue, Philadelphia, Pa. 19124. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives and commodities in bulk), from the store and warehouse sites of Gimbel Bros. in Philadelphia, the Philadelphia, Pa., commercial zone and King of Prussia, Pa., and Moorestown, N.J., to points in Delaware, New Jersey, and Pennsylvania, and *refused, rejected, damaged, or returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 50069 (Sub-No. 394), filed January 22, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521, Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acid and fatty acid type products*, in bulk, from Painesville, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual authority may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50307 (Sub-No. 40), filed January 19, 1968. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and material and supplies used in the manufacture thereof*, between New York, N.Y., commercial zone, North Bergen, Hackensack, and Paterson, N.J., Reading and Philadelphia, Pa., on the one hand, and, on the other, Morgantown and Grafton, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 52669 (Sub-No. 9), filed January 16, 1968. Applicant: CARGO-CARE TRANSPORTATION COMPANY, a corporation, 522 Nance Street, Rocky Mount, N.C. 27801. Applicant's representative: Leon Henderson, Jr., 422 Sunset Avenue, Post Office Box 725, Rocky Mount, N.C. 27801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, and in bags, between points in Virginia and points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rocky Mount or Raleigh, N.C.

No. MC 61592 (Sub-No. 99), filed January 22, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water coolers, water chests and parts, and supplies* used in connection therewith, from Holdenville, Okla., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 242), filed January 19, 1968. Applicant: EAGLE MOTOR LINE, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Vicksburg, Miss., to points in Louisiana and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73165 (Sub-No. 243), filed January 19, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Meridian, Miss., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 73165 (Sub-No. 244), filed January 19, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, slabs, and accessories used in connection with the installation of boards and slabs*, from Terry, Miss., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 78228 (Sub-No. 19), filed January 19, 1968. Applicant: THE J. MILLER CO., a corporation, 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys and silicon metal* in dump vehicles, (1) from Graham, W. Va., to points in Maryland, Virginia, Connecticut, New Hampshire, Massachusetts, Vermont, New Jersey, and Delaware, and (2) from Vancoram, Ohio, to points in New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 89684 (Sub-No. 63), filed January 18, 1968. Applicant: WYCOFF

COMPANY, INC., 560 South Second West, Salt Lake City, Utah 84101. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in express service, restricted to shipments of 250 pounds or less, between points in Wyoming on U.S. Highways 187, 189, and 26 at and south of Jackson, Wyo., and on U.S. Highways 30, 30N, 30S, and Interstate Highway 80 at and west of Laramie, Wyo., points in Utah and points in Idaho south of Idaho County on the one hand; and, on the other, Denver, Colo., and points in Colorado on U.S. Highway 287 and Interstate Highway 25 north of Denver and on U.S. Highways 6 and 40 and Interstate Highway 70, west of Denver. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 98513 (Sub-No. 4), filed January 12, 1968. Applicant: CRETE-WILBER FREIGHT, INC., Crete, Nebr. 68333. Applicant's representative: Donald E. Leonard, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed, feed supplements, and feed ingredients*, between the plantsite of Feed Service Corp., at or near Crete, Nebr., on the one hand, and, on the other, points in Wyoming, Colorado, Kansas, Iowa, South Dakota, North Dakota, Montana, Oklahoma, Texas, New Mexico, Arizona, Missouri, Arkansas, and Louisiana restricted to traffic originating at or destined to the aforesaid plantsite. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 100666 (Sub-No. 114), filed January 19, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, paneling and building board*, from Blountstown, Fla., to points in Alabama, Arkansas, Georgia, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 103993 (Sub-No. 318), filed January 19, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tessar, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water cruisers*, 8,000 pounds and over, in towaway service, from points in Davidson County, Tenn., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, (2) *houseboats*, designed to be drawn by passenger automobiles, in initial movements, from points in Sumner County, Tenn., to points in the United States, except Alaska and Hawaii, and (3) *trailers*, designed to be drawn by passenger automobiles, in initial movements: (a) From points in Franklin County, Ohio, to points in the United States, except Alaska and Hawaii, and (b) from points in Carter County, Tenn., to points in Louisiana, Minnesota, Alabama, Florida, Georgia, Wisconsin, North Carolina, South Carolina, Mississippi, Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103378 (Sub-No. 329) (Amendment), filed October 31, 1967, published FEDERAL REGISTER issue of November 16, 1967, amended January 17, 1968, and republished as amended this issue: Applicant: PETROLEUM CARRIER CORPORATION, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from the plantsite of Coastal Chemical Corp. at or near Headland, Ala., to points in Georgia and Florida. NOTE: Applicant states it could tack at points in Colquitt County, Ga. (except Moultrie and points within 3 miles thereof), to its Sub 276, wherein it is authorized to conduct operations in Alabama, Florida, and South Carolina. The purpose of this republication is to redescribe the origin point. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 104523 (Sub-No. 39), filed January 15, 1968. Applicant: HUSTON TRUCK LINES, INC., Friend, Nebr. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed loads with salt and salt products (presently authorized), from the plantsite of the Morton Salt Co. located at South Hutchinson, Kans., to points in Iowa, Nebraska, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 105269 (Sub-No. 45), filed January 18, 1968. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. 49005. Applicant's representative: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and wastepaper*, between points in Wisconsin and points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 107839 (Sub-No. 121), filed January 15, 1968. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Denver, Colo., to Dallas, Tex., and (2) from Dallas, Tex., to Denver, Colo. Restriction: The service proposed from the origin to the destination specified in (1) above is restricted against the transportation of canned goods, except in mixed loads with other foodstuffs. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 107871 (Sub-No. 55), filed January 15, 1968. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse N.Y. 13201. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk and in bags, from the plantsite of Alpha Portland Cement Co. at or near Cementon, N.Y., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, or Syracuse, N.Y., or Washington, D.C.

No. MC 108207 (Sub-No. 236), filed January 18, 1968. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionary products*, and *prepared foods*, from New Orleans, La., and Ponchatoula, La., and Memphis, Tenn., to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 108241 (Sub-No. 5), filed January 18, 1968. Applicant: BARROWS TRANSFER AND STORAGE COMPANY, Armory Road, Waterville, Maine 04901. Applicant's representative: Stanley W. Barrows, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from Monson and Dover-Foxcroft, Maine, to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New

Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 109265 (Sub-No. 21), filed January 15, 1968. Applicant: W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857. Applicant's representative: Rollie R. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Norwalk and Toledo, Ohio; from Norwalk over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109397 (Sub-No. 158), filed January 22, 1968. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Business I–44, Box 113, Joplin, Mo. 64802. Applicant's representative: Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, blasting supplies, and blasting agents*, between points in New Mexico and Arizona. NOTE: Applicant states that it intends to tack in New Mexico with its present authority authorizing nonradial service between points in New Mexico, Texas, Kansas, Missouri, Oklahoma, Nebraska, and Arkansas. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Phoenix, Ariz.

No. MC 109637 (Sub-No. 333), filed January 12, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Applicant's representative: Harris C. Andrews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, liquid fertilizer materials, anhydrous ammonia, and nitrogen fertilizer solutions*, in bulk, in tank vehicles, from points in Daviess County, Ky., to points in Illinois, Indiana, and Kentucky. NOTE: Applicant states it intends to tack with its present authority, to a limited extent, especially MC 109627, Sub 45. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 110841 (Sub-No. 14), filed January 17, 1968. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: Williams Addams, 1776 Peachtree Street NW., Room 527, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Kershaw County, S.C., to points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111320 (Sub-No. 49), filed January 16, 1968. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., 2001 Barlow Road, Hudson, Ohio 44236. Applicant's representative: Paul Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), (3) *attachments and accessories* for items named in (1) and (2), from the plantsites of Towmotor Corp. at Cleveland and Mentor, Ohio, to points in Alabama, Florida, Georgia, Illinois, Kentucky, Michigan, Mississippi, South Carolina, Virginia, and West Virginia, restricted to traffic originating at and destined to the points named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111401 (Sub-No. 243), filed January 19, 1968. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Brazos County, Tex., to points in Arkansas, Florida, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 112223 (Sub-No. 83), filed January 15, 1968. Applicant: QUICKIE TRANSPORT COMPANY, 501 11th Avenue South, Minneapolis, Minn. 55415. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the Williams Bros. Pipe Line Co. terminal located at or near St. Cloud, Minn., and 10 miles thereof to Minnesota, Wisconsin, and the Upper Peninsula of Michigan; (2) from Milford, Iowa, and 10 miles thereof to Nebraska, Minnesota, South Dakota, and Wisconsin; and (3) from Le Mars, Iowa and 10 miles thereof to Nebraska, Minnesota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 112750 (Sub-No. 251), filed December 26, 1967. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Commonwealth Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except coin, currency, and negotiable securities) as are used in the business of banks and banking institutions, (1) between Indianapolis, Ind., on the one hand, and, on the other, Pittsburgh, Pa., Cleveland, Ohio, Buffalo, N.Y., and St. Louis, Mo., and (2) between Terre Haute, Ind., on the one hand, and, on the other, points in Crawford, Jasper, Cumberland, Coles, Clark, Moultrie, Douglas, Edgar, Shelby, Effingham, and Richland Counties, Ill., under contracts with banks and banking institutions. NOTE: Applicant holds common carrier authority under Docket No. MC 111729 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 113267 (Sub-No. 185), filed January 19, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypoclorite solution*, in containers, from Atlanta, Ga., to points in Alabama, Tennessee, Kentucky, Mississippi, Arkansas, points in Florida west of Florida Highway 71, and points in Louisiana east of the Mississippi River, including New Orleans and its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 31), filed January 16, 1968. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), and (3) *attachments and accessories* for items named in 1 and 2 above, from the plantsites of Towmotor Corp. at Cleveland and Mentor, Ohio, to points in North Carolina, Tennessee, and Virginia, restricted to traffic originating at and destined to the points named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 113624 (Sub-No. 40), filed January 19, 1968. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in that part of Nebraska bounded on the north by U.S. Highway 6, on the east by Nebraska Highway 14, on the south by Nebraska Highway 74, and on the west by U.S. Highway 281, to points in Colorado, Wyoming, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Kansas, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 113651 (Sub-No. 122), filed January 22, 1968. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303.

Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from South Bend, Ind., to points in Pennsylvania, New York, New Jersey, Massachusetts, District of Columbia, Florida, Connecticut, and Maryland. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113855 (Sub-No. 174), filed January 15, 1968. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), (3) *attachments and accessories* for items named in (1) and (2) above, from the plantsites of Towmotor Corp. at Cleveland and Mentor, Ohio, to points in Montana, Washington, Oregon, Idaho, California, Iowa, Nevada, Utah, Arizona, Wisconsin, Illinois, Minnesota, and the Upper Peninsula of Michigan, restricted to traffic originating at and destined to the points named above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 113945 (Sub-No. 14), filed January 11, 1968. Applicant: THE HAULING AND RIGGING CORPORATION, 1007 Lewis Road, Greensboro, N.C. 27406. Applicant's representative: A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C. 27402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron parts and steel parts used in the construction of metal tanks*, which parts require the use of special equipment, from Richmond, Va., to Colfax, N.C., and (2) *metal tanks*, requiring special equipment, from Colfax, N.C., to points in South Carolina, Virginia, West Virginia, Georgia, and points in Kentucky on and east of U.S. Highway 27, and points in Tennessee on and east of U.S. Highway 41, under a continuing contract or contracts with Richmond Engineering Co. of North Carolina, Inc., at Colfax and Greensboro, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro or Raleigh, N.C.

No. MC 115215 (Sub-No. 12), filed January 12, 1968. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, posts, poles, timbers*, between points in Florida, and (2) *posts, poles, and timbers*, from points in Florida to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 181), filed January 22, 1968. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products* not frozen, from Laramie, Wyo., to points in Iowa, Minnesota, Wisconsin, Kansas, Nebraska, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 116063 (Sub-No. 106), filed January 19, 1968. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrup*, in bulk, in tank vehicles, from Arlington, Tex., to Denver, Colo., and Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116119 (Sub-No. 19), filed January 10, 1968. Applicant: JOHN F. HARRIS, doing business as HOGANS TRANSFER & STORAGE CO., 1122 South Davis Avenue, Elkins, W. Va. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured milk, and dairy products, honeys, syrups, dips, spreads, margarines, and oleomargarines*, in containers, (1) from Elkins and Wheeling, W. Va., to points in Ohio and Pennsylvania and (2) from Pittsburgh and Charleroi, Pa., to points in Ohio and West Virginia, under contract with Sealtest Foods, division of National Dairy Products. NOTE: Applicant holds common carrier authority in MC 106002, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 100), filed January 19, 1968. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food and liquid animal food supplements*, from Dubuque, Iowa, to points in Illinois, Iowa, Indiana, Kansas, Missouri, Minnesota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116702 (Sub-No. 27), filed January 15, 1968. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, 1570 Kildare Road, Harrow, Ontario, Canada. Applicant's representative: Clyde E. Herring, Suite 800, 1634 Eye Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bichromate, sodium bisulphate, and scrubber liquor*, in bulk, in tank vehicles, drums and containers, from the plantsite of Allied Chemicals, Inc., at Baltimore, Md., to the ports of entry on the international boundary line between the United States and Canada located at Detroit, Mich., and Buffalo, N.Y. NOTE: Applicant has a pending application under MC 126171, for common carrier authority, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 116947 (Sub-No. 7), filed January 15, 1968. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, Ga. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans, can ends, crowns, tin plate, pallets, paper shrouds, chipboard, cork in sheets, sheet plastic, and lacquer*, (1) between Atlanta, Ga.; Birmingham, Ala.; Spartanburg, S.C.; Winchester, Va.; Baltimore, Md.; Philadelphia, Pa.; Bartow and Orlando, Fla.; Fort Worth, Tex.; Fruitland, Md.; and North Bergen, N.J.; and (2) between points named in (1) above and points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Virginia, under contract with Crown Cork & Seal Co., Philadelphia, Pa. NOTE: Applicant holds common carrier authority in MC 117956 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117344 (Sub-No. 186), filed January 15, 1968. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bulk, in tank or hopper type vehicles, from points in Pleasants County, W. Va., and Belpre, Ohio, to points in Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 167), filed January 16, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors;* (2) *self-propelled construction, excavation and industrial equipment;* (3) *portable concrete pumps;* (4) *attachments for the commodities described*

in items (1) through (3) above; (5) *cabs for the commodities described in items (1) and (2) above;* (6) *internal combustion engines;* and (7) *parts and accessories for the commodities described in items (1) through (6) above* when moving in mixed loads therewith, from the plant and warehouse sites of J. I. Case Co. at or near Terre Haute, Ind., to points in Maine, Vermont, New Hampshire, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plant and warehouse sites named above and destined to the destination States named above (except when stored or assembled in transit, and *returned commodities* described in part (A), above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117574 (Sub-No. 168), filed January 18, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box No. 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: D. E. Lutz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), and (3) *attachments and accessories for items named in (1) and (2)* above, from the plantsites of Towmotor Corp. at Cleveland and Menter, Ohio, to Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Virginia, Maine, Vermont, New Hampshire, Maryland, Delaware, and the District of Columbia restricted to traffic orginating at and destined to the points named above. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Chicago, Ill., or Washington, D.C.

No. MC 117765 (Sub-No. 64), filed January 12, 1968. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Applicant's representative: R. E. Hagan (same address above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising matter when moving with malt beverages*, (1) from St. Joseph, Mo., to points in Kansas and Oklahoma; and (2) from Kansas City, Mo., to Ardmore, Lawton, and Shawnee, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 65), filed January 12, 1968. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. 73111. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising material when moving with malt beverages*, from Fort Worth, Tex., to points in Kansas and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118636 (Sub-No. 1), filed January 17, 1968. Applicant: FRANK R. DEAN, JR., 1198 New Circle Road NE., Lexington, Ky. 40505. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, between points in Franklin County, Ohio, and Fayette County, Ky. NOTE: Applicant is authorized to operate as a contract carrier in Docket No. MC 114719 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 118816 (Sub-No. 1), filed January 3, 1968. Applicant: MATERIALS TRANSPORT SERVICE, INC., 693 Knox Road, Wayne, Pa. 19087. Applicant's representative: Beverley S. Simms, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, (1) from the plantsite of Coplay Cement Manufacturing Co. located at or near the Borough of Coplay, Pa., to points in Connecticut and Massachusetts, and points in Tompkins, Cortland, Chenango, Otsego, Schoharie, Albany, and Schenectady Counties, N.Y., and points in Fairfax and Prince William Counties, Va.; (2) from the plantsite of Dragon Cement Co., division of Martin Marietta Corp., at Northampton, Pa., to points in Connecticut and points in Chemung, Tioga, Tompkins, Greene, Columbia, Ulster, Dutchess, and Putnam Counties, N.Y.; (3) from the plantsite of Giant Portland Cement Co. at Egypt, Pa., to points in Connecticut and New York except those in New York south of the northern boundaries of Sullivan, Ulster, and Dutchess Counties, N.Y.; (4) from the plantsite of Hercules Cement Co. at Stockertown, Pa., to points in Connecticut, Massachusetts, Rhode Island, New York (except New York, N.Y.), and points in Nassau and Suffolk Counties, N.Y., and points in Loudoun, Fairfax, Prince William, Fauquier, Culpeper, Stafford, Spotsylvania, Northampton, and Accomack Counties, Va., and points in the District of Columbia.

(5) From the plantsite of the Keystone Portland Cement Co. in East Allen Township, Northampton County, Pa., to points in Connecticut, Massachusetts, and New York except those in and south of Chemung, Tioga, Broome, Chenango, Delaware, Ulster, and Dutchess Counties, N.Y.; (6) from the plantsite of Nazareth Cement Co. at Nazareth, Pa., to points in Connecticut, Massachusetts, Rhode Island, New York (except those in and south of Chemung, Tioga, Broome, Chenango, Delaware, Greene, and Columbia Counties, N.Y.), and points in Fairfax and Prince William Counties, Va., and points in the District of Columbia; (7) from the plantsites of Penn-Dixie Cement Corp. located, respectively, near Nazareth, and at or near Penn Allen, and near Bath, Pa., to points in Connecticut, Massachusetts, and Rhode Island; (8) from the plantsite of Whitehall Cement Manufacturing Co. at Cementon, Pa., to points in Connecticut and points in Accomack and Northampton Counties, Va., and Yates, Schuyler, Seneca, and Cayuga, N.Y., and points in the District of Columbia; (9) between (1) points in Connecticut, (2) points in Delaware, (3) points in District of Columbia, (4) points in Maine, (5) points in Maryland, (6) points in Massachusetts, (7) points in New Hampshire, (8) points in New Jersey, (9) points in New York, (10) points in Pennsylvania, (11) points in Rhode Island, (12) points in Vermont, (13) points in Virginia, and (14) points in West Virginia, restricted to the transportation of shipments having an immediately prior movement by rail. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 118959 (Sub-No. 32), filed December 17, 1967. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: A. S. Dunn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, couplings, and fittings*, between Fairbury, Ill., points within the Staunton, Ill., commercial zone, St. Louis, Mo., and points in Alabama, Arkansas, Arizona, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, New Mexico, South Carolina, Tennessee, and Texas. NOTE: Applicant holds contract carrier authority under Docket No. MC 125664 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119317 (Sub-No. 27) (Correction), filed September 27, 1967, published FEDERAL REGISTER issue of October 12, 1967, corrected and republished as corrected, this issue. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 10929 Winner Road, Post Office Box 665, Independence, Mo. 64152. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 812, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and nondairy related commodities*, between points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, and Texas under contract with Sealtest Foods, division of National Dairy Products Corp. NOTE: Applicant states that no duplicating authority is being sought. The purpose of this republication is to include the State of Kentucky, in the authority being sought, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119654 (Sub-No. 5), filed January 18, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois

Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers or tops, and paper cartons*, from Plainfield, Ill., to points in Indiana and Michigan, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 97), filed January 17, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks;* (2) *tractors* (other than truck tractors), and (3) *attachments and accessories for the commodities described in (1) and (2) above*, from the plantsites of Towmotor Corp. at Cleveland and Mentor, Ohio, to points in Indiana, Kentucky, West Virginia, and Tennessee, restricted to traffic originating at and destined to the points named above. NOTE: Applicant holds contract carrier authority under MC 126970 (Sub-No. 1), therefore dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119816 (Sub-No. 6), filed January 19, 1968. Applicant: FLEETLINE, INC., 1984 Oakdale Avenue, West St. Paul, Minn. 55118. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood charcoal and charcoal briquettes*, from Marquette, Mich., to Chippewa Falls, Eau Claire, and La Crosse, Wis., and points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123048 (Sub-No. 116), filed January 12, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and C. Ernest Carter, Post Office Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled cranes, and self-propelled loading, excavating, unloading and grading equipment, and parts, accessories and attachments* therefore, from Lake Bluff, Ill., to ports of entry on the international boundary of the United States and Canada at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 117), filed January 19, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul Gartzke, 121 West Doty Street, Madison, Wis. 53703, and C. Ernest Carter, Post Office Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, farm equipment, and parts and attachments* therefor, from Hernando, Miss., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTES: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 123067 (Sub-No. 64), filed January 12, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem N.C. 27102. Applicant's representative: B. M. Shirley, Jr., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lithium ore*, dry, in bulk, in tank and hopper vehicles, from Kings Mountain, N.C., to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123383 (Sub-No. 29), filed January 17, 1968. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, insulating board, fiberboard, pulpboard, and strawboard*, from Meridian, Miss., to points in Delaware, Maryland, District of Columbia, Pennsylvania, New York, and New Jersey, and *returned shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124121 (Sub-No. 3), filed Janaury 19, 1968. Applicant: DONALD NUSSBERGER AND WILLIS NUSSBERGER, doing business as NUSSBERGER BROS., Catawba, Wis. 54154. Applicant's representative: John W. Slaby, Box 22, Phillips, Wis. 54555. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and concentrates*, in bag and bulk from points in Minnesota to points on and north of Wisconsin Highway 64, and points in the Upper Peninsula of Michigan, under a continuing contract, or contracts with Midland Cooperatives, Inc., Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wisconsin or Minneapolis, Minn.

No. MC 124316 (Sub-No. 3), filed January 15, 1968. Applicant: ACTIVE EXPRESS CO., a corporation, 411 Whiton Street, Jersey City, N.J. 07304. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, from the plantsite and warehouse of National Wire of New Jersey, Inc., located at South Kearny, N.J., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and Fairfield County, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124796 (Sub-No. 33), filed January 22, 1968. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. 90022. Applicant's representative: J. Max Harding, 300 NSEA Building, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution*, (1) from Houston, Tex., to points in Louisiana, Mississippi, and that part of Arkansas on and south of U.S. Highway 40, and (2) from Atlanta, Ga., to points in Alabama, Mississippi, Tennessee, and that part of Louisiana east of the Mississippi River, and *rejected, refused, or outdated shipments*, on return in (1) and (2) above, limited to a transportation service to be performed under a continuing contract with the Clorox Co., Oakland, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 125777 (Sub-No. 120), filed January 18, 1968. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Leonard Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps* (not for human consumption), in dump vehicles, between points in Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125996 (Sub-No. 12), filed January 15, 1968. Applicant: JENSEN TRUCKING CO., INC., 220 16th Street, Gothenburg, Nebr. 69138. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except in tank and hopper type vehicles), between points in Illinois on the one hand, and, on the other, points in Idaho, Banner, and Sioux Counties, Nebr., and Albin, Irwin, and Gallio, Wyo., Ardmore and Pine Ridge, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 126489 (Sub-No. 2), filed January 22, 1968. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Hutchinson, Kans. Applicant's representative: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, except salt and urea, (1) between points in Arkansas, Colorado, Kansas, Missouri, Oklahoma, and Texas,

and (2) from points in Louisiana, Mississippi, and Memphis, Tenn., to points in Colorado, Kansas, Missouri, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127067 (Sub-No. 4), filed January 19, 1968. Applicant: McLEE TRUCKING CO., INC., 1229 Kansas, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, between points in Tennessee, Alabama, Arkansas, Georgia, Mississippi, Ohio, North Carolina, South Carolina, Florida, Oklahoma, Kentucky, Louisiana, Texas, Missouri, Kansas, Illinois, and Indiana, under contract with Mid-South Milling Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 127215 (Sub-No. 32), filed November 27, 1967. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions and liquid fertilizer compounds*, from Logansport, Ind., and points within 10 miles thereof to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Washington, D.C.

No. MC 127215 (Sub-No. 36), filed January 15, 1968. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Franklin County, Ill., to points in Indiana, Kentucky, Missouri, Ohio, Oklahoma, Pennsylvania, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 127988 (Sub-No. 5), filed January 22, 1968. Applicant: LEON FIALA, doing business as FIALA FEED & GRAIN CO., Osceola, Nebr. 68651. Applicant's representative: Richard A. Peterson, 1201 J Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain storage bins, grain drying bins, bulk feed tanks, and metal buildings*, from Grand Island, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Washington, Wyoming, and Wisconsin and (2) *cold rolled steel, steel sheets and steel coils* from points in Illinois, Indiana, and Missouri to Grand Island, Nebr., under contract with Big Chief of Nebraska, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 128007 (Sub-No. 14), filed January 12, 1968. Applicant: HOFER, INC., 4032 Parkview Drive, Post Office Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Nebraska City and Omaha, Nebr., to points in Kansas, Missouri, Oklahoma, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128814 (Sub-No. 14) (Clarification), filed December 8, 1967, published in FEDERAL REGISTER of December 21, 1967, clarified January 15, 1968, and republished as clarified this issue. Applicant: TRI-STATE MOTOR TRANSIT CO., as OPERATOR OF H. MESSICK, INC., Post Office Box 113, Business I–44, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blasting caps and electric blasting caps*, between Port Ewen, N.Y.; Jasonville, Ind.; Fairbanks, Pa.; Carthage, Mo.; Sedalia, Colo.; North Salt Lake City, Utah; Lincoln, Calif., and points within 5 miles of each, under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority in MC 109397 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to show authority being sought, under contract with Hercules, Inc., in lieu of customers of Hercules, Inc. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 129414 (Sub-No. 2), filed January 15, 1968. Applicant: BELL & MOONEY., INC., Post Office Box 925, Gillette, Wyo. 82716. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lost circulation materials and chemicals*, from Gillette and Upton, Wyo., to points in Carter and Powder River Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Billings, Mont.

No. MC 129529 (Sub-No. 1), filed January 19, 1968. Applicant: ADOLPH L. MARCHFIELD, doing business as THRUWAY MESSENGER SERVICE, 1500 Victoria Boulevard, West Engelwood, N.J. 07666. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in shipments of 100 pounds or less moving from one consignor to one consignee (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) in specialized delivery service, between points in Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129551 (Clarification), filed November 24, 1967, published FEDERAL REGISTER, issue of December 14, 1967, and republished this issue. Applicant: J. SWANSON RUSSELL, doing business as JOHN S. RUSSELL TRUCKING, 32 Fifth Avenue, Kenbridge, Va. 23944. Applicant's representative: James T. Edmunds, 303 Fifth Avenue, Kenbridge, Va. 23944. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets and lump charcoal* from Kenbridge, Va., to Baltimore, Md., Washington, D.C., and points in North Carolina. NOTE: The purpose of this republication is to more clearly set forth the authority requested. If a hearing is deemed necessary, applicant requests it be held at Richmond or Lynchburg, Va.

No. MC 129579 (Sub-No. 2), filed January 19, 1968. Applicant: W. E. SCHMITT, doing business as SCHMITT TRUCKING COMPANY, 12730 Stark Road, Livonia, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board and materials and supplies incidental to the installation thereof*, from Rockdale, Ill., to points in the Lower Peninsula of Michigan, located on and south of Michigan Highway 55, under contract with George Hobby & Associates of Grosse Isle, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 129629, filed January 8, 1968. Applicant: PAUL L. RYAN, doing business as PAT RYAN, 3038 North Wilton Street, Chicago, Ill. Applicant's representative: Robert E. Cleveland, 11 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Carpet, carpet materials, uncrated furniture*, between Chicago, Ill., and Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129630, filed January 8, 1968. Applicant: TANGLEN BROS., INC., Box 18, Crane, Mont. 59217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in bulk, bags, blocks, packages, or containers, with or without chemical and other additives or mineral mixtures, from the site of a salt evaporating plant located at Billings, Mont., to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak., or Billings, Mont.

No. MC 129605 (Sub-No. 1), filed January 19, 1968. Applicant: RAY JOHNSON, INC., Post Office Box 254, Ellington,

Mo. 63638. Applicant's representative: Clinton B. Roberts, 8 South Jefferson Street, Farmington, Mo. 63640. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Ore and ore concentrates*, (1) from Ozark Lead Co. near Corridon, Mo., to the railroad siding at Glover, Mo., from County Highway BB near Corridon, Mo., in Reynolds County to Missouri Highway 72, thence in an easterly direction on Missouri Highway 72 to the Junction of Missouri Highways 21 and 72, thence in a northerly direction on Missouri Highway 21 to the Junction of Missouri Highways 21 and 49 and thence in an easterly direction on Missouri Highways 49 and 21 to Glover, Mo. and (2) from County Highway BB near Corridon, Mo., in Reynolds County, thence to the Junction of County Highway BB and Missouri Highway 72, thence on Missouri Highway 72 in an easterly direction to the Junction of Missouri Highway 72 and County Highway TT, thence in a northerly direction of County Highway TT to the junction of County Highway KK and thence in a northerly direction of County Highway KK to Buick, Mo., all within Reynolds County, Mo., under contract with Ozark Lead Co., Ellington, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, St. Louis, or Kansas City, Mo.

No. MC 129645, filed January 12, 1968. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard* faced and finished with decorative and protective materials and *accessories and supplies* used in the installation thereof when moving with shipments of such wood fiberboard, from Chicago, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: Applicant holds contract carrier authority under Docket No. MC 127093 (Sub-Nos. 2 and 5), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129647 (Sub-No. 1), filed January 15, 1968. Applicant: R. JUDD PRICKETT, 18 School Street, Easthampton, Mass. 01027. Applicant's representative: Lewis A. Whitney, Jr., 1 Campus Lane, Easthampton, Mass. 01027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* of all kinds including but not limited to the transportation in bulk of domestic, commercial and industrial fuels and gasolines, from bulk terminals at Glastonbury, Conn., to points in Hampden, Franklin, Hampshire, and Berkshire Counties, Mass., under contract with Hampden Oil Corp., Springfield, Mass. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., or Hartford, Conn.

No. MC 129657, filed January 17, 1968. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Claud J. Jasper, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and carbonated beverages*, from St. Louis, Mo., to points in Trempealeau, Jackson, La Crosse, Monroe, Juneau, Vernon, Richland, Sauk, Crawford, Grant, Iowa, and Lafayette Counties, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 129658, filed January 18, 1968. Applicant: MARKO TRUCKING CORPORATION, 1804 Baldwin Court, Trenton, Mich. 48183. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exothermic materials and rimming agents, on flatbed equipment*, from McKees Rocks, Pa., to points in Michigan, Ohio, Indiana, and Illinois, under a continuing contract with Metallurgical Exoproducts Corp. of McKees Rocks, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 129659, filed January 18, 1968. Applicant: T–P STORAGE AND LEASING, INC., 94 Sylvan Avenue, Clifton, N.J. 07011. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel products*, between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129660, filed January 18, 1968. Applicant: MALLETTE BROTHERS TRUCK LINE, INC., Star Route, Box 58–D, Gautier, Miss. 39553. Applicant's representative: Donald B. Morrison, 829 Deposit Guaranty National Bank Building, Post Office Box 961, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, in bulk and in bags, from Gautier, Pascagoula, and Moss Point, Miss., to points in Alabama, Arkansas, Louisiana, Georgia, and Tennessee, (2) *pressure treated wood products*, from Gulfport and Pascagoula, Miss., to points in Alabama, Louisiana, and Tennessee, and (3) *refractory products*, from Pascagoula, Miss., to points in Alabama, Florida, Louisiana, Mississippi, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Biloxi or Jackson, Miss.

No. MC 129661, filed January 19, 1968. Applicant: SYRACUSE AIR FREIGHT, INC., 63 West Kendrick Avenue, Hamilton, N.Y. 11346. Applicant's representative: George Olsen, 69 Tonelle Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between points in Chenango, Delaware, Madison, Cortland, Otsego, and Onondaga Counties, N.Y., on the one hand, and, on the other, Syracuse, Rochester, Buffalo, Binghamton, and Jamaica, N.Y., and Newark, N.J. restricted to traffic having prior or subsequent transporation by air. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York or Syracuse, N.Y.

No. MC 129662, filed January 19, 1968. Applicant: ALPHONSE LOISELLE, doing business as LOISELLE TRANSPORT, 426 Deschambault Street, St. Boniface 6, Manitoba, Canada. Applicant's representative: William S. Rosen, 400 Minnesota Building, Saint Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, from Noyes, Baudette, and Lancaster, Minn., and Neche, Pembina, and Dunseth, N. Dak., to points in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and Nebraska, limited to foreign commerce originating at Winnipeg, Canada, and (2) *scrap paper* and *asphalt*, in bulk, from St. Paul, Minn., and St. Louis, Mo., to Noyes, Baudette, and Lancaster, Minn., and Neche, Pembina, and Dunseth, N. Dak., limited to foreign commerce destined for delivery at Winnipeg, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

APPLICATION FOR BROKERAGE LICENSE MOTOR CARRIER OF PASSENGERS

No. MC 130049, filed January 10, 1968. Applicant: CINCINNATI AUTOMOBILE CLUB, doing business as WORLD WIDE TRAVEL AGENCY, Central Parkway and Race Streets, Cincinnati, Ohio 45202. Applicant's representative: William A. Busemeyer, American Building, Central Parkway at Walnut, Cincinnati, Ohio 45202. For a license (BMC 5) to engage in operations as a *broker* at Cincinnati, Ohio, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in charter operations to certain vacation spots and points of interest, beginning and ending at points in Hamilton County, Ohio, and extending to points in Ohio, Indiana, Kentucky, Tennessee, North Carolina, Virginia, West Virginia, New York, Pennsylvania, Connecticut, Massachusetts, Vermont, Rhode Island, Maine, New Hampshire, and Illinois.

APPLICATION FOR WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 118127 (Sub-No. 8), filed January 18, 1968. Applicant: HALE DISTRIBUTING CO., INC., 1315 East Seventh Street, Los Angeles, Calif. 90021.

Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen poultry products*, and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles at the same time with (1) above, from Moorefield, W. Va., to points in Arizona (except Flagstaff, Phoenix, and Tucson), Colorado (except Denver), Idaho, Montana, Nevada (except Las Vegas and Reno), New Mexico (except Albuquerque), Oregon (except Portland), Utah (except Salt Lake City), Washington (except Seattle), and Wyoming, restricted to the transportation of traffic originating at Moorefield, W. Va.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-1167; Filed, Jan. 31, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 29, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41216—*Beet pulp from Delta, Colo.* Filed by Southwestern Freight Bureau, agent (No. B-9051), for interested rail carriers. Rates on beet pulp, in carloads, as described in the application, from Delta, Colo., to points in southwestern territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 134 to Southwestern Freight Bureau, agent, tariff ICC 4526.

FSA No. 41217—*Aniline oil from Pascagoula, Miss.* Filed by O. W. South, Jr., agent (No. A5078), for interested rail carriers. Rates on aniline oil, in tank carloads, as described in the application, from Pascagoula, Miss., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 41218—*Automobile parts between points in southern territory and Canada.* Filed by O. W. South, Jr., agent (No. A5076), for interested rail carriers. Rates on automobile parts and assessories, in carloads, between points in southern territory, on the one hand, and points in Ontario and Quebec, Canada, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Southern Freight Association, agent, tariff ICC S-736.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-1242; Filed, Jan. 31, 1968; 8:49 a.m.]

[Notice 537]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 29, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Sub-No. 221 TA), filed January 22, 1968. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) restricted to traffic originating at Guymon, Okla., from Guymon, Okla., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Swift & Co., Robert W. Retzlaff, transportation manager, operations, 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: District Supervisor, Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 50307 (Sub-No. 41 TA), filed January 23, 1968. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35 Street, New York, N.Y. 10001. Applicant's representative: Zelby & Burstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and material and supplies used in the manufacture thereof*, between points in the New York, N.Y., commercial zone, North Bergen, Hackensack, and Paterson, N.J., Reading and Philadelphia, Pa., on the one hand, and, on the other, Morgantown and Grafton, W. Va., for 150 days. Supporting shipper: Raritan Shirt Co., 417 Fifth Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 101219 (Sub-No. 49 TA), filed January 24, 1968. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36 Street, New York, N.Y. 10018. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, and *wearing apparel* in cartons, when moving in the same vehicle and at the same time with shipments of wearing apparel on hangers, between New York, N.Y., on the one hand, and, on the other, Augusta, Bangor, Brewer, Lewiston, Presque, and Waterville, Maine, for 180 days. Supporting shippers: Robert Hall Clothers, 333 West 34 Street, New York, N.Y.; Zayre Corp., 601 West 26 Street, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 112750 (Sub-No. 254 TA), filed January 24, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Philadelphia, Pa., on the one hand, and, on the other, points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., for 180 days. Supporting shippers: Girard Trust Bank, Philadelphia, Pa. 19101; the First Pennsylvania Banking & Trust Co., 3020 Market Street, Philadelphia, Pa. 19101; the Fidelity Bank, Broad and Walnut Streets, Philadelphia, Pa. 19109; the Atco National Bank, Atco, N.J., 08004; Provident National Bank, 120 South 17th Street, Post Office Box 7648, Philadelphia, Pa., 19101; Central-Penn National Bank of Philadelphia, Broad and Walnut Streets, Philadelphia, Pa. 19101. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 114045 (Sub-No. 307 TA), filed January 24, 1968. Applicant: TRANS-COLD EXPRESS, INC., Emley and Belt Line Road 75240, Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: M. L. Beatty (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Guymon, Okla., to Dalhart, Amarillo, Lubbock, San Angelo, Dallas, Texarkana, Hereford, Paris, Houston, Tex., for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it or to interline with other carriers. Supporting shippers: Texas Meat Packers, Inc., Post Office Box 5326, Dallas, Tex. 76210; F & W Wholesale Meat Co., 2415 L.T.V. Tower, Dallas, Tex. 75201. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 117796 (Sub-No. 1 TA), filed January 24, 1968. Applicant: ROBERT L. MONICO, 2531 Utica Drive, Dallas, Tex. 75227. Applicant's representative: Same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., to Dallas, Tex., for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shippers: United Fruit Sales Corp., 232A University Plaza Building, Post Office Box 9622, 100 North University Drive, Fort Worth, Tex. 76107; Hairston Produce Co., 608 South Pearl, Dallas, Tex. 75201. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 119099 (Sub-No. 3 TA), filed January 24, 1968. Applicant: BJORKLUND TRUCKING, INC., Route 1, Buffalo, Minn. 55313. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic liners for concrete burial vaults*, from St. Paul, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Thermoform Plastics, Inc., 1975 West County Road, B2 St. Paul, Minn. 55113. Send protests to: C. H. Bergquist, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 124679 (Sub-No. 12 TA), filed January 24, 1968. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Flux, Utah, to points in Washington and Oregon, for 180 days. Supporting shipper: Solar Salt Co., 340 West 1455 South Street, Salt Lake City, Utah 84115. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 128856 (Sub-No. 2 TA), filed January 24, 1968. Applicant: LIN DOWNING & SONS, doing business as LINZIE DOWNING, 1200 Pacific Avenue, Post Office Box 1771, Yuma, Ariz. 85364. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry*, (1) from points in Yuma County, Ariz., to Blythe, Calif., and commercial zone; (2) from railheads or sidings in Yuma County, Ariz., and Winterhaven, Calif., to Imperial and Blythe, Calif., and commercial zones, for 180 days. Supporting shipper: Walter Jacoby & Sons Farm Chemicals, Inc., Post Office Box 500, Somerton, Ariz. 85350. Send protest to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 129444 (Sub-No. 3 TA), filed January 22, 1968. Applicant: KNOBLOCH TRUCKING CO., INC., Yaphank Avenue, Brookhaven, N.Y. 11719. Applicant's representative: Morton E. Keil, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are delt in by wholesale, chain, and retail food business houses and, in connection therewith, equipment, materials, and supplies used in the conduct of such business (except liquid commodities, in bulk, in tank vehicles), from Ridgefield, N.J., to points in Nassau and Suffolk Counties, N.Y.; *returned shipments* of the above specified commodities, from points in Nassau and Suffolk Counties, N.Y., to Ridgefield, N.J.; under contract with Corn Products Co., for 180 days. Supporting shipper: Corn Products Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: E. N. Carignan, District Supervisor, Interstate Commission, Bureau of Operations, 346 Broadway, N.Y. 10013.

No. MC 129663 (Sub-No. 1 TA), filed January 22, 1968. Applicant: BORIGHT TRUCKING CO., INC., Boright Avenue, Kenilworth, N.J. 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* from Kenilworth, N.J., to Bridgeport and Milford, Conn.; Washington, D.C.; Jacksonville and Tampa, Fla.; Atlanta, Brunswick, Chamblee, Forest Park, and Savannah, Ga.; Chicago and Danville, Ill.; Indianapolis and Jeffersonville, Ind., Frankfort and Louisville, Ky.; New Orleans, La.; Baltimore, Md.; Boston, Springfield, and Worcester, Mass.; Detroit and Grand Rapids, Mich.; Minneapolis, Minn.; St. Louis, Mo.; Albany, Binghamton, Buffalo, Massena, Ogdensburg, and Rochester, N.Y.; Charlotte, Raleigh, and Winston Salem, N.C.; Belpre, Cincinnati, Cleveland and Columbus, Ohio; Philadelphia, Pittsburgh, Scranton, Wilkes Barre, and Yeadon, Pa.; Barkley and Providence, R.I.; Greenville, S.C.; Memphis, Tenn.; Richmond and Roanoke, Va.; and Racine, Wis., for 150 days. Supporting shipper: Gilbert Plastics, Inc., Boright Avenue, Kenilworth, N.J. 07033. Send protests to: District Supervisor, Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-1243; Filed, Jan. 31, 1968; 8:49 a.m.]

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PART II

BUREAU OF THE BUDGET

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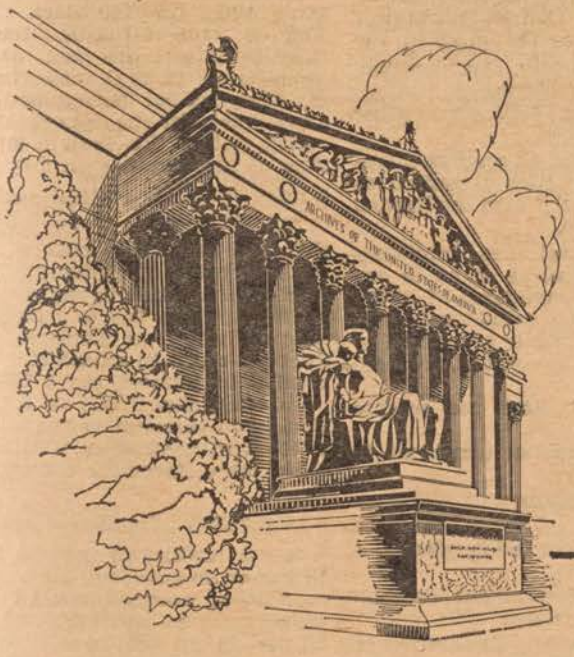
Standards of Conduct



Title 5—ADMINISTRATIVE PERSONNEL

Chapter III—Bureau of the Budget

PART 1300—STANDARDS OF CONDUCT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter III of Title 5 of the Code of Federal Regulations, consisting of Part 1300, is revised and amended to read as follows:

Sec.

1300.735–1 Purpose.
1300.735–2 Definitions.
1300.735–3 Special Government employees.
1300.735–4 General standards of conduct.
1300.735–5 Responsibilities of employees.
1300.735–6 Interpretation and advisory service; counseling.
1300.735–7 Disciplinary action.
1300.735–8 Conflicts of interest.
1300.735–9 Disqualification because of private financial interests.
1300.735–10 Additional prohibitions—regular Government employees.
1300.735–11 Additional prohibitions—special Government employees.
1300.735–12 Exemptions and exceptions from prohibitions of conflict of interest statutes.
1300.735–13 Salary of employees payable only by United States.
1300.735–14 Gifts, entertainment, and favors.
1300.735–15 Outside employment.
1300.735–16 Financial interests.
1300.735–17 Use of Government property.
1300.735–18 Misuse of information.
1300.735–19 Indebtedness.
1300.735–20 Gambling, betting, and lotteries.
1300.735–21 General conduct prejudicial to the Government.
1300.735–22 Miscellaneous statutory provisions.
1300.735–23 Conduct and responsibilities of special Government employees.
1300.735–24 Reporting of employment and financial interests—regular Government employees.
1300.735–25 Reporting of employment and financial interests—special Government employees.
1300.735–26 Reviewing statements of financial interests.

AUTHORITY: The provisions of this Part 1300 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

§ 1300.735–1 Purpose.

(a) The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by regular employees and special Government employees is essential to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of regular employees and special Government employees through informed judgment is indispensable to the maintenance of these standards.

(b) This part is intended to foster the foregoing concepts. It is issued in compliance with the requirements of Executive Order No. 11222 of May 8, 1965, and is based upon the provisions of that order, the regulations of the Civil Service Commission issued thereunder (Part 735 of this title), and the statutes cited elsewhere in this part.

§ 1300.735–2 Definitions.

(a) For the purposes of this part, the terms "employee," "regular employee," and "regular Government employee" mean any officer or employee of the Bureau of the Budget except a special Government employee.

(b) The term "special Government employee" means an officer or employee who is retained, designated, appointed, or employed by the Bureau of the Budget to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days temporary duties either on a full-time or intermittent basis.

(c) The term "person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

§ 1300.735–3 Special Government employees.

Except where specifically provided otherwise, or where limited in terms or by the context to regular employees or regular Government employees, all provisions of this part relating to employees are applicable also to special Government employees.

§ 1300.735–4 General standards of conduct.

(a) All employees shall conduct themselves on the job in such a manner that the work of the Bureau is efficiently accomplished and courtesy, consideration, and promptness are observed in dealings with the Congress, the public, and other governmental agencies.

(b) All employees shall conduct themselves off the job in such a manner as not to reflect adversely upon the Bureau or the Federal service.

(c) In all circumstances employees shall conduct themselves so as to exemplify the highest standards of integrity. An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 1300.735–5 Responsibilities of employees.

(a) The Personnel Officer shall distribute copies of this part to each regular employee and special Government employee within 30 days after the effective date thereof. In the case of a new regular employee or special Government employee entering on duty after the date of such distribution, a copy shall be furnished at the time of his entrance on duty. All regular and special Government employees shall familiarize themselves with the contents of this part.

(b) Copies of the Executive order, regulations, and statutes referred to in § 1300.735–1, together with various explanatory materials, are available for inspection in the Personnel Office at any time during regular business hours. Employees are encouraged to consult these basic materials in any case of doubt as to the proper application or interpretation of the provisions of this part.

(c) Attention of all employees is directed to House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service", which is attached to this part as appendix A.

§ 1300.735–6 Interpretation and advisory service; counseling.

(a) The Director shall appoint a Counselor for the Bureau who shall serve also as the Bureau's designee to the Civil Service Commission on matters covered by this part. The Director may, in his discretion, appoint one or more deputy counselors to serve under the direction of the Counselor.

(b) The Personnel Officer shall notify all employees and special Government employees of the availability of counseling services, and of how and where such services are available. Such notification shall be made within 90 days after the effective date of this part, and periodically thereafter. In the case of a new employee or special Government employee appointed after the date of such notification, notification shall be given at the time of his entrance on duty.

§ 1300.735–7 Disciplinary action.

(a) A violation of any provision of this part by an employee may be cause for appropriate disciplinary action which may be in addition to any penalties prescribed by law. (As to remedial action in cases where an employee's financial interests result in a conflict or apparent conflict of interest, see § 1300.735–26.)

(b) Any disciplinary or remedial action taken pursuant to this part shall be effected in accordance with any applicable laws, Executive orders, or regulations.

§ 1300.735–8 Conflicts of interest.

(a) A conflict of interest may exist whenever an employee has a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee. The maintenance of public confidence in Government clearly demands that an employee

take no action which would constitute the use of his official position to advance his personal or private interests. It is equally important that each employee avoid becoming involved in situations which present the possibility, or even the appearance, that his official position might be used to his private advantage.

(b) Neither the pertinent statutes nor the standards of conduct prescribed in this part are to be regarded as entirely comprehensive. Each employee must, in each instance involving a personal or private interest in a matter which also involves his duties and responsibilities as an employee, make certain that his actions do not have the effect or the appearance of the use of his official position for the furtherance of his own interests or those of his family or his business associates.

(c) The principal statutory provisions relating to bribery, graft, and conflicts of interest are contained in Chapter 11 of the Criminal Code, 18 U.S.C. 201-224. Severe penalties are provided for violations, including variously fine, imprisonment, dismissal from office, and disqualification from holding any office of honor, trust, or profit under the United States.

§ 1300.735–9 Disqualification because of private financial interests.

(a) Unless authorized to do so as provided hereafter in this section, no employee shall participate personally and substantially as a Government employee in a particular matter in which, to his knowledge, he has a financial interest. (18 U.S.C. 208).

(1) For the purposes of this section—

(i) An employee participates personally and substantially in a particular matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise;

(ii) A particular matter is a judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter; and

(iii) A financial interest is the interest of the employee himself or his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment.

(b) An employee who has a financial interest (other than a financial interest exempted under paragraph (c) of this section) in a particular matter which is within the scope of his official duties shall make a full disclosure of that interest to the Personnel Officer in writing. He shall not participate in such matter unless and until he receives a written determination by the Director pursuant to section 208 of Title 18, United States Code, that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him. If the Director does not make such a determination, he shall direct such remedial action as may be appropriate under the provisions of § 1300.735–26.

(c) The financial interests described in this paragraph are hereby exempted, pursuant to the provisions of section 208 of Title 18, United States Code, from the restrictions of paragraph (a) of this section and of section 208 of Title 18 as being too remote or inconsequential to affect the integrity of an employee's services in a matter:

(1) Stocks, bonds, or policies in a mutual fund, investment company, bank, or insurance company, provided that in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank. In the case of a mutual fund or investment company, this exemption applies only where the assets of the fund or company are diversified; it does not apply where the fund or company advertises that it specializes in a particular industry or commodity.

(2) Interest in an investment club, provided, that the fair value of the interest involved does not exceed $5,000, and that the interest does not exceed one-fourth of the total assets of the investment club.

§ 1300.735–10 Additional prohibitions—regular Government employees.

(a) In addition to the disqualification described in § 1300.735–9, a regular Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another (18 U.S.C. 203 and 205).

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(4) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209). (See § 1300.735–13.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances. For the method of obtaining such exemptions or exceptions, see paragraph (d) of § 1300.735–12.

§ 1300.735–11 Additional prohibitions—special Government employees.

(a) In addition to the disqualification described in § 1300.735–9, a special Government employee is subject to the following major prohibitions:

(1) He may not, except in the discharge of his official duties—

(i) Represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205), or

(ii) Represent anyone else in a matter pending before the Bureau unless he served there no more than 60 days during the previous 365 (18 U.S.C. 203 and 205). He is bound by this restraint despite the fact that the matter is not one in which he has ever participated personally and substantially.

(2) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

(3) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)). (This temporary restraint is permanent if the matter is one in which he participated personally and substantially. See subparagraph (2) of this paragraph.)

(b) Exemptions or exceptions from the prohibitions described in paragraph (a) of this section are permitted under certain circumstances; for the method of obtaining such exemptions or exceptions, see paragraph (d) of § 1300.735–12.

§ 1300.735–12 Exemptions and exceptions from prohibitions of conflict of interest statutes.

(a) Nothing in this part shall be deemed to prohibit an employee, if it is not otherwise inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person in a disciplinary, loyalty, or other Federal personnel administration proceeding involving such person.

(b) Nothing in this part shall be deemed to prohibit an employee from acting, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in those matters in which he has participated personally and substantially as a Government employee, through decision, approval, disapproval, recommendation,

the rendering of advice, investigation, or otherwise, or which are the subject of his official responsibility, as defined in section 202(b) of Title 18 of the United States Code, provided, that the Personnel Officer approves.

(c) Nothing in this part shall be deemed to prohibit an employee from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(d) In addition to the exemptions and exceptions described in this section and in § 1300.735–9, the conflict of interest statutes permit certain exemptions and exceptions in specific circumstances. The procedure for effecting such exemptions or exceptions is as follows:

(1) Any regular employee or special Government employee who desires approval or certification of his activities as provided for by section 205 of Title 18, U.S. Code, shall make application therefor in writing to the Personnel Officer.

(2) A former employee, including a former special Government employee, who desires certification with regard to his activities under section 207 of Title 18, U.S. Code, shall make application therefor in writing to the Personnel Officer.

(3) The Personnel Officer shall report promptly to the Director, through the Deputy Director, all matters reported to him under this part which require consideration of approvals, certifications, or determinations provided for in sections 205, 207, or 208 of Title 18, U.S. Code, except that approvals requested under the provisions of paragraph (b) of this section may be granted by the Personnel Officer without reference to anyone else.

§ 1300.735–13 Salary of employees payable only by United States.

(a) No employee, other than a special Government employee or an employee serving without compensation, shall receive any salary, or any contribution to or supplementation of salary, as compensation for his services as an employee, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality. (18 U.S.C. 209)

(b) Nothing in this part shall be deemed to prohibit an employee from continuing to participate in a bona fide pension, retirement, group life, health, or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer, nor from accepting contributions, awards, or other expenses under the terms of the Government Employees Training Act, 5 U.S.C. 2301–2319.

§ 1300.735–14 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section and in § 1300.735–15, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Bureau;

(2) Conducts operations or activities which are regulated by the Bureau; or

(3) Has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Notwithstanding paragraph (a) of this section, an employee may:

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of monetary value from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the family or personal relationships involved are the motivating factors;

(2) Accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Accept loans from banks or other financial institutions on customary terms to finance proper or usual activities of employees, such as home mortgage loans; and

(4) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value.

(c) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. (5 U.S.C. 7351.)

(d) The Constitution (Art. 1, sec. 9, par. 8) prohibits acceptance from foreign governments, except with the consent of Congress, of any emolument, office, or title. The Congress has provided that, except in the case of certain gifts of minimal value and specified military decorations, all such presents, decorations, and other things shall be tendered to the State Department for use and disposal as property of the United States (5 U.S.C. 7342). Any such gift or thing which cannot appropriately be refused shall be submitted to the Personnel Officer for transmittal to the State Department.

§ 1300.735–15 Outside employment and other activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include, but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(2) Outside employment which tends to impair the employee's mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Deputy Director gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of Executive Order No. 11222 of May 8, 1965, shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of his agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

(c) An employee shall not engage in outside employment under a State or local government, except in accordance with applicable regulations of the Civil Service Commission (Title 5, Chapter I, Part 734 of the Code of Federal Regulations).

(d) Neither this section nor § 1300.735–14 precludes an employee from:

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this part and for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits. Further, an employee may not be reimbursed by a person for travel on official business under agency orders in circumstances where reimbursement would be proscribed by Comptroller General's decision B–128527 of March 7, 1967.

(2) Participation in the activities of national or State political parties not proscribed by law. (See paragraph (o) of § 1300.735–22 regarding proscribed political activities.)

(3) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service, or civic organization.

(e) An employee who intends to engage in outside employment shall obtain the approval, through the head of his office or division, of the Personnel Officer. Heads of offices and divisions and employees in the Office of the Director shall obtain the approval of the Deputy Director or such other official as the Deputy Director may designate. A record

of each approval under this paragraph shall be filed in the employee's official personnel folder.

(f) This section does not apply to special Government employees, who are subject to the provisions of § 1300.735–23.

§ 1300.735–16 Financial interests.

(a) An employee may not have financial interests which—

(1) Establish a substantial personal or private interest in a matter which involves his duties and responsibilities as an employee; or

(2) Are entered into in reliance upon, or as a result of, information obtained through his employment; or

(3) Result from active and continuous trading (as distinguished from the making of bona fide investments) which is conducted on such a scale as to interfere with the proper performance of his duties.

(b) Aside from the restrictions prescribed or cited in this part, employees are free to engage in lawful financial transactions to the same extent as private citizens. Employees should be aware that the financial interests of their wives or minor children and blood relatives who are full-time residents of their households may be regarded, for the purposes of this section, as financial interests of the employees themselves.

(c) This section does not apply to special Government employees, who are subject to the provisions of § 1300.735–23.

§ 1300.735–17 Use of Government property.

An employee shall not directly or indirectly use or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 1300.735–18 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in paragraph (b) of § 1300.735–15, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 1300.735–19 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Bureau determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Bureau to determine the validity or amount of the disputed debt.

§ 1300.735–20 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude solicitations by employee organizations when approved by the Bureau under section 3 of Executive Order No. 10927, or other similar Bureau-approved activities.

§ 1300.735–21 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 1300.735–22 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Bureau and of the Government. In particular, attention of employees is directed to the following statutory provisions:

(a) Chapter 11 of Title 18, U.S. Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned (see § § 1300.735–9, 1300.735–10, and 1300.735–11).

(b) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(c) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(d) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibitions against proscribed political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition against an employee acting as the agent of a foreign principal under the Foreign Agents Registration Act (18 U.S.C. 219).

§ 1300.735–23 Conduct and responsibilities of special Government employees.

(a) A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person whether by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purposes of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(c) A special Government employee who engages in teaching, lecturing, or writing, whether for or without compensation, shall not for such purposes make use of information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Deputy Director gives written authorization for the use of nonpublic information on the basis that such use is in the public interest.

(d) A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(e) Except as provided in paragraph (f) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(f) Notwithstanding paragraph (e) of this section, a special Government employee shall be allowed the same latitude as is authorized for regular Government employees by paragraph (b) of § 1300.735–14.

(g) Attention of special Government employees is directed to the provisions of § 1300.735–3, making the provisions of this part generally applicable to their activities.

§ 1300.735–24 Reporting of employment and financial interests—regular Government employees.

(a) Not later than 90 days after the effective date of this part, an employee designated in paragraph (d) of this section shall submit a statement, on a form made available by the Personnel Office, setting forth the information specified hereafter in this section. Such statements shall be submitted to the head of the office or division concerned, except that heads of offices and divisions and employees in the Office of the Director shall submit such statements to the Deputy Director or such other official as the Deputy Director may designate.

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions with or in which he, his spouse, minor child, or other member of his immediate household has—

(i) Any connection as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or

(ii) Any continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or

(iii) Any financial interest (except those described in paragraph (c) of § 1300.735–9) through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts. ("Shares" in savings and loan associations which are in the nature of savings deposits need not be reported under this section.)

(2) A list of the names of his creditors and the creditors of his spouse, minor child, or other member of his immediate household, other than those creditors to whom they may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom they may be indebted for current and ordinary household and living expenses such as those incurred for household furnishings, an automobile, education, vacations, or the like.

(3) A list of his interests and those of his spouse, minor child, or other member of his immediate household in real property or rights in lands, other than property which he occupies as a personal residence.

(b) For the purpose of this section "member of his immediate household" means a full-time resident of the employee's household who is related to him by blood.

(c) Each employee designated in paragraph (d) of this section who enters on duty after the effective date of this part shall submit such statement not later than 30 days after the date of his entrance on duty, but not earlier than 90 days after the effective date of this part.

(d) Statements of employment and financial interests are required of the following:

(1) Employees listed in the Executive Schedule, except a Presidential appointee required to file a statement of financial interests under section 401 of Executive Order No. 11222 of May 8, 1965.

(2) Employees in classified positions of grade GS–15 or above.

(e) Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or of the regulations in this Part 1300.

(f) If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf.

(g) Paragraph (a) of this section does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(h) The Bureau shall hold each statement of employment and financial interests in confidence. The official to whom any such statement is submitted shall transmit it to the Personnel Officer with appropriate notation of any indication of a conflict of interest. The Personnel Officer shall retain such statements in confidence and shall not allow access to, or allow information to be disclosed from, any such statement except as may be necessary to carry out the purposes of this part. The Bureau may not disclose information from a statement except as the Civil Service Commission or the Director may determine for good cause shown.

(i) The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement by an employee does not permit him or any other person to participate in a matter in which his or the the other person's participation is prohibited by law, order, or regulation.

(j) This section does not apply to special Government employees, who are subject to the provisions of § 1300.735–25.

(k) Employees in positions that meet the criteria in paragraph (d) (2) may be excluded from the reporting requirement when the Director determines that (1) the duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote; or (2) the duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government. Application for such a determination shall be made in writing to the Director through the head of the employee's office or division, except that employees in the Office of the Director shall make such applications through the Deputy Director.

(l) The Bureau's grievance procedure is available for review of a complaint by an employee that his position has been improperly included under paragraph (d) of this section as one requiring submission of a statement of employment and financial interests.

§ 1300.735–25 Reporting of employment and financial interests—special Government employees.

(a) A special Government employee shall submit to the Personnel Office a statement of employment and financial interests which reports (1) all current Federal Goverment employment, (2) the names of all corporations, companies, firms, State or local governmental organizations, research organizations, and educational or other institutions in or for which he is an employee, officer, member, owner, trustee, director, adviser, or consultant, with or without compensation, (3) the names of all corporations in which he holds stocks or bonds, and (4) the names of all partnerships in which he is engaged.

(b) A statement required under this section shall be submitted at the time of employment on a form supplied by the Personnel Office and shall be kept current throughout the term of a special Government employee's service with the Bureau. A supplementary statement shall be submitted at the time of any reappointment; a negative report will suffice if no changes have occurred since the submission of the last previous statement.

§ 1300.735–26 Reviewing statements of financial interests.

(a) The Personnel Officer shall review the statements required by §§ 1300.735–24 and 1300.735–25 to determine whether there exists a conflict, or appearance of conflict, between the interests of the employee or special Government employee concerned and the performance of his service for the Government. If the Personnel Officer determines that such a conflict or appearance of conflict exists,

he shall provide the employee with an opportunity to explain the conflict or appearance of conflict. If he concludes that remedial action should be taken, he shall refer the statement to the Director, through the Counselor for the Bureau designated pursuant to § 1300.735–6, with his recommendation for such action. The Director, after consideration of the employee's explanation and such investigation as he deems appropriate, shall direct appropriate remedial action if he deems it necessary.

(b) Remedial action pursuant to paragraph (a) of this section may include, but is not limited to:

(1) Changes in assigned duties.

(2) Divestment by the employee of his conflicting interest.

(3) Disqualification for a particular action.

(4) Exemption pursuant to paragraph (b) of § 1300.735–9 or paragraph (d) of § 1300.735–12.

(5) Disciplinary action.

This revised part was approved by the Civil Service Commission on December 8, 1967, and supersedes the Part 1300 approved by the Civil Service Commission on February 18, 1966, and published in the FEDERAL REGISTER of April 19, 1966 (31 F.R. 6000).

Effective date. This revised part shall be effective upon publication in the FEDERAL REGISTER.

PHILLIP S. HUGHES,
Acting Director of the Bureau of the Budget.

APPENDIX A

HOUSE CONCURRENT RESOLUTION 175, 85TH CONGRESS, 2D SESSION

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

[F.R. Doc. 68–1158; Filed, Jan. 31, 1968; 8:45 a.m.]